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NOV 22 2002

**SURFACE
TRANSPORTATION BOARD**

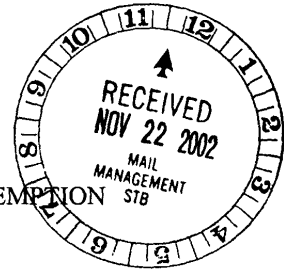
BEFORE THE

206700

SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad
Between BNSF M.P. 9.48 and
M.P. 11.40 in Redlands, California

NOTICE OF EXEMPTION
Docket No. AB-6
(Sub-No. 398X)



TO THE SURFACE TRANSPORTATION BOARD:

DID# 0102086001

The Burlington Northern and Santa Fe Railway Company (BNSF) hereby notifies the Board that it intends to abandon its line of railroad between M.P. 9.48 and M.P. 11.40 in Redlands, San Bernardino County, California, total distance of 1.92 miles, pursuant to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50 and in support of the Notice, respectfully provides the following information:

- I. Proposed consummation date for the abandonment.

January 13, 2002

- II. Certification required in 49 C.F.R. § 1152.50(b)

The attached Certification of Michael Smith certifies that no

FEE RECEIVED
NOV 22 2002
**SURFACE
TRANSPORTATION BOARD**

formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years. The attached Verification of Richard A. Batie certifies that no local traffic has moved over this line for at least two (2) years and any overhead traffic on the line can be rerouted over other lines.

- III. Information required by C.F.R. § 1152.22(a)(1-4), (7), (8) and (e)(4).

ENTERED
Office of Proceedings
NOV 22 2002
Part of
Public Record

(a) General

- (1) Exact name of Applicant.

The Burlington Northern and Santa Fe Railway
Company

- (2) Whether applicant is a common carrier by railroad subject
to 49 U.S.C. Subtitle IV, Chapter 105.

Applicant is a common carrier by railroad subject to
49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought.

BNSF seeks an exemption from Surface Transportation
Board approval authorizing the abandonment and
discontinuance of service of the Redlands, California line
specified above.

- (4) Detailed map of the subject line.

See Exhibit A.

- (5) Name, title and address of representative of applicant to
whom correspondence should be sent.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr., Suite 3000
Chicago, Illinois 60606-6677

- (6) List of all United State Postal Service ZIP Codes that the
line traverses.

The Redlands, California line traverses United
States Postal Service Zip codes 92373 and 92374.

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

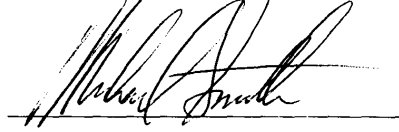
The right of way may be suitable for use for other public purposes such as a trail. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad purposes. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line RR Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

- V. Certification that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met. attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", is written over a horizontal line.

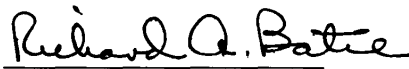
Michael Smith
Freeborn & Peters
311 S. Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677
(312) 360-6336
FAX (312) 360-6598

Date: November 20, 2002

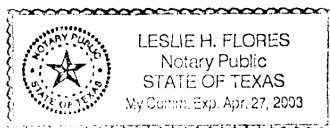
VERIFICATION

STATE OF TEXAS)
)ss
COUNTY OF TARRANT)

Richard A. Batie makes oath and says he is Manager, Shortline Development in the Network Development department of The Burlington Northern and Santa Fe Railway Company; that he has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-6 (Sub-No. 398X); that he affirms that the line has had no local traffic in the prior two (2) years and that there is no overhead traffic to be rerouted; that he has carefully examined all of the statements in the Notice; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.


Richard A. Batie
Manager, Shortline Development

Subscribed and sworn to before me the 19th day of November, 2002.

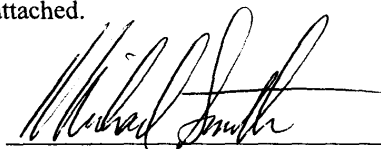



Notary Public

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
NO. AB-6 (Sub-No. 398X)

CERTIFICATION

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the California Public Service Commission; the California Department of Transportation; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on October 29, 2002; (3) the environmental and historic reports were serviced upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on October 29, 2002; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on October 29, 2002; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on November 6, 2002 in the Redlands Daily Facts, affidavits of publication are attached.



Michael Smith
Freeborn & Peters
311 S. Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677
(312) 360-6336
FAX (312) 360-6598
Dated: November 20, 2002

(20155 C C P)

The undersigned hereby certifies as follows:

I am a citizen of the United State and a resident of the County aforesaid; I am over the age of twenty-one years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Redlands Daily Facts, a newspaper of general circulation, printed and published daily in the City of Redlands, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of October 10, 1927, Case Number 26980; that the notice, of which the annexed is a true printed copy (set in type smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on each of the following dates, to wit:

all in the year 20 02

I certify under the penalty of perjury that the foregoing is true and correct.

Bucky Frazier
Signature

Executed on the 6 day of NOV, 2002, at Redlands,
in the County of San Bernardino, State of California.

(Space below for stamp only)

Proof of Publication of

**NOTICE OF
INTEREST IN
AIRBORNE
NORTH AFRICA**

Northern and Eastern
Peoples' Congress
is seeking individuals
with knowledge of
Libya, Afghanistan,
Badr, Afghanistan,
document records or
experience under
example of or
discontinuance of
services on 132 miles
railroad line
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60633-3775
1104-1(a)

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between
M.P. 9.48 and M.P. 11.40 in
Redlands, California

Docket No. AB-6
(Sub No. 398X)

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 9.48 and M.P. 11.40 in Redlands, San Bernardino County, California, a total distance of 1.92 miles.

(1) Proposed action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any railline and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

(2) Transportation system: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed abandonment should be consistent with local land use plans. See Exhibit B, letter from the City of Redlands; See exhibit C, letter from the San Bernardino Associated Governments.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The proposed abandonment will have no effect on prime farmland. See Exhibit D, letter from the United States Department of Agriculture.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The line may be suitable for alternative public use. See Exhibit B, letter from the City of Redlands; See exhibit C, letter from the San Bernardino Associated Governments.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of the line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by

carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles per day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

This action will have no effect on the transportation of ozone-depleting materials as the line is out of service.

(6) Noise: If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are 8 public crossings within the limits of the proposed abandonment. During salvage operations on the line, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites or sites where there have been known hazardous spills on the right-of-way.

(8) Biological resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

Based on consultation with the U.S. Fish and Wildlife Service, the abandonment, there are no threatened or endangered species in the area of the abandonment. See Exhibit E, Letter from the Department of Fish and Game. However, the abandonment may affect a number of species that are rare and may be endangered in the future. The following species may be near the abandonment site: the burrowing owl (*Athene cunicularia*), orange-throated whiptail (*Cnemidophorus hyperthyrus*), San Diego horned lizard (*Phrynosoma coronatum blainvillei*), and California mastiff bat (*Eumops perotis californicus*). See Exhibit E, Letter from the Department of Fish and Game.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The Department of Fish and Game has indicated that the project site is not within any known wildlife sanctuaries, refuges or designated critical habitat. See Exhibit E, Letter from the Department of Fish and Game.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The proposed abandonment should be consistent with state and local water quality standards. The California State Water Resources Control Board has adopted Order No. 99-08-DWQ, a statewide general permit that regulates storm water runoff associated with construction activities (General Permit). Coverage under the General Permit associated with construction activities must be obtained if the area to be disturbed is five acres or more. See Exhibit F, letter from the California Regional Water Quality Control Board. In this case, less than five acres will be disturbed, so a General Permit will not be necessary.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

The Army Corps of Engineers has been contacted and have not responded as of the date of this report. See Exhibit G, Letters to the U.S. Army Corps of Engineers. The abandonment will not affect the 100-year flood plains. See Exhibit H, letter from the City of Redlands

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

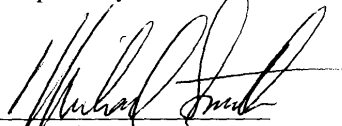
Construction activities will not be in excess of five acres.

Construction activity that results in soil disturbances of less than five acres is subject to the General Permit only if the construction activity is part of a larger common plan of development that encompasses five or more acres of soil disturbance or if there is significant water quality impairment resulting from the activity. Since the construction activity is less than five acres and it is not part of a larger common plan of development that encompasses five or more acres of soil disturbance and there is not a significant water quality impairment resulting from the activity, a Section 402 permit is not necessary. See Exhibit F, letter and attached Fact Sheet for Water Quality Order 99-08-DWQ from the California Regional Water Quality Control Board.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Dated: November 20, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between
M.P. 9.48 and M.P. 11.40 in
Redlands, California

Docket No. AB-6
(Sub No. 398X)

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between M.P. 9.48 and M.P. 11.40 in Redlands, San Bernardino County, California, a total distance of 1.92 miles.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of the railroad structures that are 50 years old or older and are part of the proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the California State Office of Historic Preservation and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area:

The 1.92 mile Redlands, CA Trackage is located within the city of Redlands, California which has a population of 63,591 as listed in the 2002 Rand McNally atlas. Redlands is located within the San Bernadino metropolitan statistical area. The right of way varies from 50 to 100 feet in width and is owned by the San Bernadino Area Governments.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no buildings or structures on the property or in the surrounding area that are 50 years old or older.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

N/A

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The right of way was acquired by the Southern California Railway Company and the California Central Railway Company, both predecessors in interest to The Atchison Topeka and Santa Fe Railway Company (ATSF) from 1887 to 1893. In 1995 ATSF merged with the Burlington Northern Railroad Company (BN) to become The Burlington Northern and Santa Fe Railway Company (BNSF).

This trackage has been out of service for over two years.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too

large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. BNSF in fact does not own the line it intends to abandon. The San Bernardino Area Government owns the line. As a result, BNSF does not anticipate any physical changes, such as removal of track and ties. The Zanja, the original 1819 water ditch that is still in use today and is listed on the National Register and is a California Historic Landmark is in the vicinity of the abandonment. See Exhibit I, letter from the San Bernardino County Museum, Archaeological Information Center. There are also a number of other properties in the area, which are Historic Landmarks, Points of Historic Interest and National Register Properties. See Exhibit I, letter and supporting documents from the San Bernardino County Museum, Archaeological Information Center. The California State Office of Historic Preservation stated that the proposed abandonment would not affect historic properties. See Exhibit J, letter from the California State Office of Historic Preservation.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", with a long horizontal flourish extending to the right.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Dated: November 20, 2002

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)

The Burlington Northern and Santa Fe Railway Company ("BNSF") by and through its authorized representative, Michael Smith, certifies that on October 29, 2002, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Stead Craigo, Deputy
California State Office of Historic
Preservation
1416 9th Street
P.O. Box 942896
Sacramento, CA 94296

Mike Pool
State Director
Bureau of Land Management
California State Office
2800 Cottage Way
Sacramento, CA 95825-1886

Henry Wyman
State Conservationist
Natural Resources Conservation Service
430 G Street #4164
Davis, CA 95616-4164
ATTN.: Diane Holcomb, State Resource
Conservationist

Richard Peppers
Chief Building Official
City of Redlands
35 Cajon Street
Redlands, CA 92373

John Davidson
City Manager
City of Redlands
35 Cajon Street, Suite 10
Redlands, CA 92373

Mike Bair
Director of Transit and
Rail Programming
472 North Arrowhead Avenue
San Bernardino, CA 92401-1421

Antal Szijj
U.S. Army Corps of Engineers
Seven Oaks Dam Office
32330 Santa Ana Canyon Road
Highland, CA 92346

Anne Badgley
Regional Director
U.S. Department of the Interior
Fish and Wildlife Service
Eastside Federal Complex
911 NE 11th Avenue
Portland, OR 97232-4181

Leslie MacNair
Environmental Specialist IV
Department of Fish and Game
Eastern Sierra - Inland Deserts Region
4775 Bird Farm Road
Chino Hills, CA 91709

James Earsom
District Conservationist
Natural Resources Conservation Service
25864 K Business Center Dr.
Redlands, CA 92374

Milasol Gaslan
Chief
Inland Storm Water Section
Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501

San Bernardino County Board of
Supervisors
County Government Center
385 North Arrowhead Avenue
San Bernardino, California 92415-0184

U.S. Department of the Interior
National Park Service
Land Resource Division
1849 C Street, N.W.
Washington, DC 20240

California Department of Transportation
P.O. Box 942873
Sacramento, CA 94273-0001

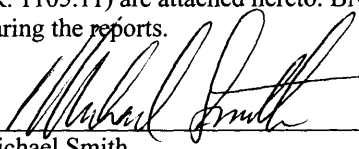
California Public Utilities Commission
San Francisco Office (Headquarters)
505 Van Ness Avenue
San Francisco, CA 94102

California Environmental Protection
Agency
1001 I Street
Sacramento, CA 95814

U.S. Environmental Protection Agency
Region 9
75 Hawthorne St.
San Francisco, California, 94105

Edward McKay
National Geodetic Survey
NOAA - SSMC3
1315 East-West Highway
Silver Spring, MD 20914

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.

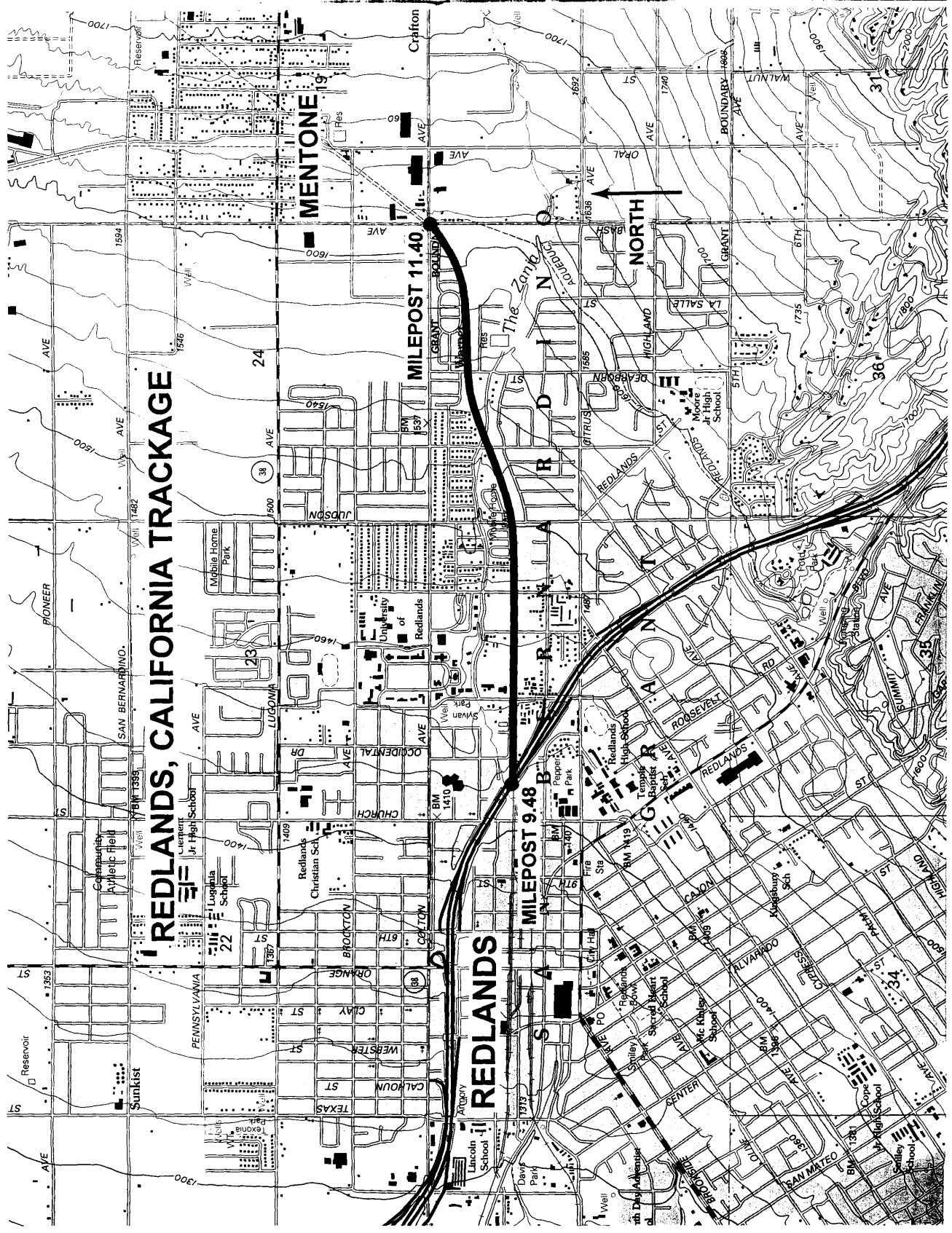


Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Dated: November 20, 2002

A

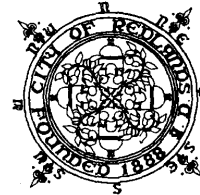
REDLANDS, CALIFORNIA TRACKAGE



B

City of Redlands City Manager

John Davidson



June 12, 2001

Brian Nettles
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

BNSF Abandonment of Redlands Industrial Spur Redlands, California

The City of Redlands is aware of the BNSF Railroad's proposal to abandon its line known as the Redlands Industrial Spur, Milepost 9.48 to Milepost 11.40 in Redlands, California. There are no known rail users past Milepost 9.48.

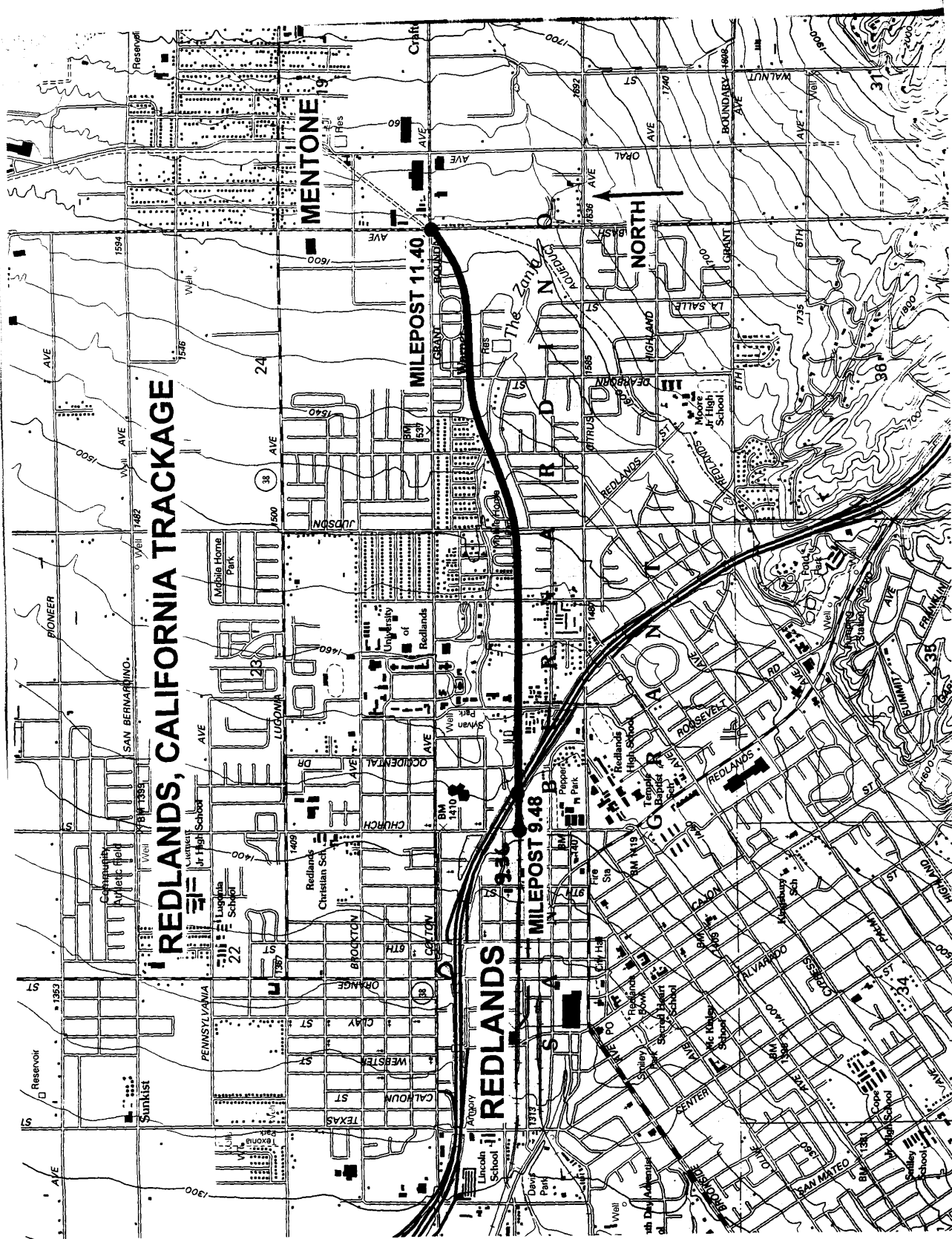
Section 5.50g of the Redlands General Plan designates a Class I bikeway adjacent to but outside the BNSF (Santa Fe) railroad right-of-way from New York Street in downtown Redlands to east of Wabash Avenue. Section 7.11 provides for a trail system. Such rail and trail corridors designated on the General Plan Diagram have existing or proposed right-of-ways that at different locations and times may include the BNSF (Santa Fe) Railroad line proposed for abandonment. Alternate public uses may include a community trail system, a linear park and an alignment for a storm drain system.

The City of Redlands would like to propose an amendment to the request to abandon the line from the westerly side of the Church Street crossing at Milepost 9.36 to Milepost 11.40. Church Street is an arterial roadway with increasing traffic flows. It is a major north-south arterial serving residential districts and Redlands High School. The City of Redlands is currently developing a major capital improvement project to widen and reconstruct Church Street. Maintaining this line across Church Street will require significant improvements and upgrades including new crossing gates, roadbed and rails, estimated to cost in excess of \$350,000. The area between Milepost 9.36 and Milepost 9.48 is all vacant land with no rail users and the line is currently not used.

Thank you for the opportunity to provide comments regarding this matter. If you have further questions regarding land use, please contact Jeff Shaw, Community Development Director at (909) 798-7555 or questions regarding the Church Street project, contact Ron Mutter, Public Works Director at (909) 798-7655.


John Davidson
City Manager

xc: Jeff Shaw
Ron Mutter



REDLANDS, CALIFORNIA TRACKAGE

REDLANDS

MILEPOST 11.40

MILEPOST 9.48

NORTH

C



San Bernardino Associated Governments

*San Bernardino County Transportation Commission
San Bernardino County Transportation Authority
San Bernardino County Congestion Management Agency
Service Authority for Freeway Emergencies*

472 North Arrowhead Avenue, San Bernardino, California 92401-1421
(909) 884-8276 FAX: (909) 885-4407

June 14, 2001

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

Re: Burlington Northern and Santa Fe railway Company Abandonment of the Redlands
Industrial Spur in Redlands, California

Dear Mr. Nettles:

The Board of Directors for the San Bernardino Associated Governments approved the draft final San Bernardino County Non-Motorized Transportation Plan on June 6, 2001. The plan does identify a Class 1 bicycle facility from Orange Avenue to the Santa Ana River following the railroad right-of-way, however we are not sure whether the proposed right-of-way is the Redlands Subdivision or the former Southern Pacific Railroad right-of-way. You may wish to contact the City of Redlands directly to determine which right-of-way is proposed for the trail.

The San Bernardino Associated Governments is also in the midst of a feasibility study of extending passenger rail service from San Bernardino to Redlands. The expected eastern terminus of the proposed service would be at the University of Redlands that is approximately 0.5 miles east of milepost 9.48. This study is expected to be completed in the Fall of 2001.

Should you have any questions or wish to discuss this response further, please feel free to contact me.

Sincerely,

Michael A. Bair
Director of Transit and Rail Programs

BN010614-mab.doc
0135205

*Cities of: Adelanto, Barstow, Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Hesperia, Highland, Loma Linda, Montclair
Needles, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Twentynine Palms, Upland, Victorville, Yucaipa
Towns of: Apple Valley, Yucca Valley County of San Bernardino*

D



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

25864-K Business Center Drive
Redlands, CA 92374
(909) 799-7407 • Fax: (909) 799-1438

August 15, 2001

Freeborn and Peters
Mr. Brian Nettles
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-667

Dear Mr. Nettles,

This letter is in response to your request for prime farmland along the Burlington Northern and Santa Fe Railway, between Milepost 9.48 and Milepost 11.40 of its Redlands Industrial Spur in Redlands, CA. The land on which this segment of the railroad lies is not prime, nor adjacent to prime farmland. Therefore, it will have no effect on prime agricultural land.

Sincerely,

A handwritten signature in cursive script, reading "James R. Earsom".

JAMES R. EARSOM
District Conservationist

E

DEPARTMENT OF FISH AND GAME

Eastern Sierra - Inland Deserts Region
4775 Bird Farm Road
Chino Hills, California 91709
(909) 597-5043



June 5, 2001

Mr. Brian Nettles, Litigation Clerk
Freeborn and Peters
311 South Walker Drive
Chicago, IL 60606-6677
Phone: (312) 360-6336
Fax: (312) 360-6596

**Re: The Burlington Northern and Santa Fe Railway Company ("BNSF") Abandonment
of Redlands Industrial Spur in Redlands, California**

Dear Mr. Nettles:

The Department of Fish and Game (Department) is responding to your letter dated May 15, 2001 regarding the above-mentioned project located in the City of Redlands, San Bernardino County, California. As stated in the letter, BNSF proposes to file an exemption to abandon 1.92 miles of its line of railroad located between Interstate 10 and Wabash Avenue (milepost 9.48 through milepost 11.40). The proposed abandonment may require the removal of track material, such as rails and ties. The roadbed will be left intact. The applicant has requested information on endangered and threatened species, wildlife sanctuaries or refuges, and designated critical habitat located within the project area and an analysis of effects of the proposed action. Because no information was provided on site conditions, it is difficult for the Department to determine potential impacts to biological resources resulting from the proposed project. The following are general comments on biological resources that may occur on the project site and are of concern to the Department.

Based on a review of records from the California Natural Diversity Database, critical habitat maps, and the Departmental spatial database (i.e., IBIS), the following sensitive species may occur near the proposed railroad alignment: burrowing owl (*Athene cunicularia*), orange-throated whiptail (*Cnemidophorus hyperthyrus*), San Diego horned lizard (*Phrynosoma coronatum blainvillei*), and California mastiff bat (*Eumops perotis californicus*). The railroad alignment crosses a portion of Zanja Creek, which may contain riparian scrub habitat used by wildlife. The project site is not within any known wildlife sanctuaries, refuges, or designated critical habitat.

Page 2

BNSF Abandonment of Redlands Industrial Spur

June 5, 2001

Although the above-mentioned species are not listed as threatened or endangered, they are considered rare and may become listed in the future. Impacts to rare species, regardless of listing status, may be considered significant under the California Environmental Quality Act ("CEQA") and will require appropriate avoidance, minimization, and/or compensation measures to reduce impacts to less than significant. Impacts to Zanja Creek and any associated riparian habitat will require a Streambed Alteration Agreement, pursuant to section 1600 et. seq. of the Fish and Game Code. Because this area of San Bernardino County in general contains numerous important biological resources, the Department recommends a site visit by a local biologist to confirm the absence of sensitive species and habitats.

It is unclear whether the proposed action will impact jurisdictional streams. However, it should be noted that under Section 1600 et seq. of the Fish and Game Code, the Department requires the project applicant to notify the Department of any activity that will divert, obstruct or change the natural flow or the bed, channel, or bank (which may include associated riparian resources) of a river, stream, or lake, or use material from a streambed prior to the applicant's commencement of the activity. Streams include, but are not limited to, intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams, and watercourses with subsurface flow. The Department recommends that the project applicant and/or lead agency consult with the Department to discuss potential project impacts, should they be anticipated, and avoidance and mitigation measures. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. Pre-project meetings are held every Monday at the Department's Chino Hills office. To schedule a pre-project meeting or to obtain a Streambed Alteration Agreement Notification package, please call (909) 597-4144.

Thank you for this opportunity to comment. Questions regarding this letter and further coordination on these issues should be directed to Ms. Yvonne C. Moore, Environmental Specialist III, Chino Hills, (909) 606-2413.

Sincerely,



Leslie S. MacNair
Environmental Specialist IV
Habitat Conservation - West
Region 6

F



California Regional Water Quality Control Board

Santa Ana Region

Winston H. Hickox
Secretary for
Environmental
Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288



Gray Davis
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.*

June 19, 2001

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive
Suite 300
Chicago, Illinois 60606-6677

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY ABANDONMENT OF REDLANDS INDUSTRIAL SPUR IN REDLANDS, CALIFORNIA

Dear Mr. Nettles:

This is in response to your letter dated May 14, 2001, regarding abandonment of rail track owned by Burlington Northern and Santa Fe Railway Company. Your letter indicated that the proposed abandonment may require the removal of track materials. The map provided indicated that 1.92 miles of the track will be removed. The projected area to be disturbed was not provided.

As you may know, the State Water Resources Control Board has adopted Order No 99-08-DWQ, a statewide general permit that regulates storm water runoff associated with construction activities (General Permit). The requirements of the General Permit are implemented and enforced by nine California Regional Water Quality Control Boards. Your proposed project location falls within the Santa Ana Region.

Coverage under the General Permit associated with construction activities must be obtained if the area to be disturbed is five acres or more. The owner/operator may obtain coverage under the General Permit by filing a Notice of Intent (NOI) to the State Water Resources Control Board, Sacramento CA. A copy of the General Permit, which contains a copy of NOI is enclosed for your information.

If you have any further questions in this matter, please contact Mr. Muhammad Bashir at (909)-320-6396

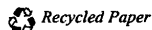
Sincerely,

Milasol C. Gaslan, Chief
Inland Storm Water Section

Enclosure

A copy of storm water general permit

California Environmental Protection Agency





Anton H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Quality

1001 I Street • Sacramento, California 95814 • (916) 341-5537
Mailing Address: P.O. Box 1977 • Sacramento, California • 95812-1977
FAX (916) 341-5543 • Internet Address: <http://www.swrcb.ca.gov>



Gray Davis
Governor

To: STORM WATER DISCHARGER

SUBJECT: CHECKLIST FOR SUBMITTING A NOTICE OF INTENT

In order for the State Water Resources Control Board to expeditiously process your Notice of Intent (NOI), the following items must be submitted:

1. _____ NOI with all applicable sections filled out and signed by the owner/operator;
2. _____ Check made out to the "State Water Resources Control Board" with the appropriate fee; and
- County Fees: \$250.00 or \$500.00
3. _____ Site map displaying the layout of premises (see NOI instructions)
DO NOT SEND BLUEPRINTS

Please return the above items to the address below. If you have any questions regarding this matter, please contact us at (916) 341-5537.

State Water Resources Control Board
Division of Water Quality
Attn: Storm Water Permit Unit
P.O. Box 1977
Sacramento, CA 95812-1977

FACT SHEET
FOR
WATER QUALITY ORDER 99-08-DWQ

STATE WATER RESOURCES CONTROL BOARD (SWRCB)
901 P STREET, SACRAMENTO, CALIFORNIA 95814

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR
STORM WATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITY (GENERAL PERMIT)

BACKGROUND

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with an NPDES permit. The 1987 amendments to the CWA added Section 402(p) which establishes a framework for regulating municipal and industrial storm water discharges under the NPDES Program. On November 16, 1990, the U.S. Environmental Protection Agency (USEPA) published final regulations that establish storm water permit application requirements for specified categories of industries. The regulations provide that discharges of storm water to waters of the United States from construction projects that encompass five (5) or more acres of soil disturbance are effectively prohibited unless the discharge is in compliance with an NPDES Permit.

While federal regulations allow two permitting options for storm water discharges (individual permits and General Permits), the SWRCB has elected to adopt only one statewide General Permit at this time that will apply to all storm water discharges associated with construction activity, except from those on Tribal Lands, in the Lake Tahoe Hydrologic Unit, and those performed by the California Department of Transportation (Caltrans). Construction on Tribal Lands is regulated by an USEPA permit, the Lahontan Regional Water Control Board adopted a separate NPDES permit for the Lake Tahoe Hydrologic Unit, and the SWRCB adopted a separate NPDES permit for Caltrans projects. This General Permit requires all dischargers where construction activity disturbs five acres or more to:

1. Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters.
2. Eliminate or reduce nonstorm water discharges to storm sewer systems and other waters of the nation.
3. Perform inspections of all BMPs.

This General Permit shall be implemented and enforced by the nine California Regional Water Quality Control Boards (RWQCBs).

The General Permit accompanying this fact sheet regulates storm water runoff from construction sites. Regulating many storm water discharges under one permit will greatly reduce the otherwise overwhelming administrative burden associated with permitting individual storm water discharges. Dischargers shall submit a Notice of Intent (NOI) to obtain coverage under this General Permit. It is expected that as the storm water program develops, the RWQCBs may issue General Permits or individual permits containing more specific permit provisions. When this occurs, those dischargers will no longer be regulated by this General Permit.

TYPES OF CONSTRUCTION ACTIVITY COVERED BY THIS GENERAL PERMIT

Construction activity subject to this General Permit includes clearing, grading, disturbances to the ground such as stockpiling, or excavation that results in soil disturbances of at least five acres of total land area. Construction activity that results in soil disturbances of less than five acres is subject to this General Permit if the construction activity is part of a larger common plan of development that encompasses five or more acres of soil disturbance or if there is significant water quality impairment resulting from the activity. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility, nor does it include emergency construction activities required to protect public health and safety. Dischargers should confirm with the local RWQCB whether or not a particular routine maintenance activity is subject to this General Permit.

A construction project which includes a dredge and/or fill discharge to any jurisdictional surface water (e.g., wetland, channel, pond, or marine water) will also need a CWA Section 404 permit from the U.S. Army Corps of Engineers and a CWA Section 401 Water Quality Certification from the RWQCB/SWRCB. Storm water discharges from dredge spoil placement which occurs outside of Corps jurisdiction (upland sites) and are part of construction activity which disturbs five or more acres of land are covered by this general permit. Proponents of construction projects which disturb five or more acres of land within the jurisdictional boundaries of a CWA Section 404 permit should contact the local RWQCB to determine the applicability of this permit to the project.

NOTIFICATION REQUIREMENTS

It is the responsibility of the landowner to obtain coverage under this General Permit prior to commencement of construction activities. To obtain coverage, the landowner must file an NOI with a vicinity map and the appropriate fee with the SWRCB. In addition, coverage under this permit shall not occur until the applicant develops an adequate SWPPP for the project. Section A of the General Permit outlines the required contents of a SWPPP. For proposed construction activity on easements or on nearby property by agreement or permission, the entity responsible for the construction activity shall file an NOI and filing fee and shall be responsible for development of the SWPPP, all of which must occur prior to commencement of construction activities.

A separate NOI shall be submitted to the SWRCB for each construction site. Owners of new construction shall file an NOI prior to the commencement of construction. Owners of an ongoing construction site that is covered under the previous General Construction Permit (WQ Order No.92-08-DWQ) (1) shall continue to implement their existing SWPPP and monitoring program and (2) shall implement any necessary revisions to their SWPPP in a timely manner but in no case later than 90-calender days from adoption of this General Permit in accordance with Section A of this General Permit.

The NOI requirements of the General Permit are intended to establish a mechanism which can be used to clearly identify the responsible parties, locations, and scope of operations of dischargers covered by the General Permit and to document the discharger's knowledge of the requirements for a SWPPP.

The NOI must be sent to the following address:

State Water Resources Control Board
Division of Water Quality
Storm Water Permit Unit
P.O. Box 1977
Sacramento, CA 95812-1977

The current annual fee for this General Permit is either \$500 or \$250 depending on the location of the project.

When construction is complete or ownership has been transferred, dischargers shall file a Notice of Termination with the RWQCB certifying that all State and local requirements have been met in accordance with Special Provisions for Construction Activity, C.7, of the General Permit.

Dischargers who fail to obtain coverage under this General Permit for storm water discharges to surface waters will be in violation of the CWA and the California Water Code.

CONSTRUCTION ACTIVITY NOT COVERED BY THIS GENERAL PERMIT

This General Permit does not apply to storm water discharges from (1) those areas on Tribal Lands; (2) the Lake Tahoe Hydrologic Unit; (3) construction by municipal entities with a population under 100,000¹; (4) construction under five acres, unless part of a larger common plan of development or sale; (5) projects covered by an individual NPDES Permit for storm water discharges associated with construction activity; and (6) landfill construction that is subject to the general industrial permit.

Storm water discharges in the Lake Tahoe Hydrologic Unit are regulated by a separate permit(s) adopted by the California Regional Water Quality Control Board, Lahontan Region (LRWQCB).

¹ These construction activities are addressed by USEPA under the Phase II regulations. Construction activities conducted by municipalities with a population less than 100,000 may be required to apply for a permit under the Phase II regulations by August 7, 2001. (CFR Section 122.26(g)(1)(ii)).(40 CFR Part 122.26(g)(1)(ii))

USEPA regulates storm water discharges on Tribal Lands. Permit applications for storm water discharges that will be conducted in the Lake Tahoe Hydrologic Unit must be submitted directly to the LRWQCB.

DESCRIPTION OF GENERAL PERMIT CONDITIONS

The following is a brief description of the major provisions of the General Permit and the basis for the General Permit.

Prohibitions

This General Permit authorizes the discharge of storm water to surface waters from construction activities that result in the disturbance of five or more acres of land. It prohibits the discharge of materials other than storm water and authorized non-storm water discharges and all discharges which contain a hazardous substance in excess of reportable quantities established at 40 Code of Federal Regulations (CFR) 117.3 or 40 CFR 302.4 unless a separate NPDES Permit has been issued to regulate those discharges. In addition, this General Permit contains provisions that uphold discharge prohibitions contained in water quality control plans, as implemented through the nine RWQCBs.

Effluent Limitations

Permits for storm water discharges associated with construction activity shall meet all applicable provisions of Sections 301 and 402 of the CWA. These provisions require controls of pollutant discharges that utilize best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to reduce pollutants and any more stringent controls necessary to meet water quality standards.

It is not feasible at this time for the SWRCB to establish numeric effluent limitations. The reasons why it is not feasible to establish numeric effluent limitations are discussed in detail in SWRCB Order Nos. WQ 91-03 and WQ 91-04. Therefore, the effluent limitations contained in this General Permit are narrative and include the requirement to implement appropriate BMPs. The BMPs shall primarily emphasize source controls such as erosion control and pollution prevention methods. The discharger shall also install structural controls, as necessary, such as sediment control which will constitute BAT and BCT and will achieve compliance with water quality standards. The narrative effluent limitations constitute compliance with the requirements of the CWA.

Elimination or reduction of nonstorm water discharges is a major goal of this General Permit. Nonstorm water discharges include a wide variety of sources, including improper dumping, spills, or leakage from storage tanks or transfer areas. Nonstorm water discharges may contribute a significant pollutant load to receiving waters. Measures to control spills, leakage, and dumping and to prevent illicit connections during construction shall be addressed through structural as well as non-structural BMPs.

This General Permit prohibits the discharge of materials other than storm water and authorized nonstorm water discharges. It is recognized that certain nonstorm water discharges may be necessary for the completion of construction projects. Such discharges include, but are not limited to irrigation of vegetative erosion control measures, pipe flushing and testing, street cleaning, and dewatering. Such discharges are allowed by this General Permit provided they are not relied upon to clean up failed or inadequate construction or post-construction BMPs designed to keep materials onsite. These authorized nonstorm water discharges shall (1) be infeasible to eliminate, (2) comply with BMPs as described in the SWPPP, and (3) not cause or contribute to a violation of water quality standards. Additionally, these discharges may be required to be permitted by the local RWQCB (e.g., some RWQCBs have adopted General Permits for dewatering discharges). This General Permit is performance-based to the extent that it prohibits the discharge of storm water that causes or threatens to cause pollution, contamination, or nuisance; but it also allows the owner/developer to determine the most economical, effective, and possibly innovative BMPs.

The requirements of this General Permit are intended to be implemented on a year-round basis, not just during the part of the year when there is a high probability of a precipitation event which results in storm water runoff. The permit should be implemented at the appropriate level and in a proactive manner during all seasons while construction is ongoing.

Weather and storm predictions or weather information concerning the 10-year, 6-hour storm event and mean annual rainfall can be obtained by calling the Western Regional Climate Center at 702- 677-3106 or via the internet at www.wrcc.dri.edu/precip.html and/or www.wrcc.dri.edu/pcpnfreq.html. Other rainfall information is available at www.cdec.water.ca.gov.

Receiving Water Limitations Language

The receiving water limitations language is fundamentally different from the language adopted in the SWRCB General Industrial Activities Storm Water Permit on April 17, 1997. Construction related activities which cause or contribute to an exceedance of water quality standards must be corrected immediately and cannot wait for the RWQCB to approve a plan of action to correct. The dynamic nature of construction activity allows the discharger the ability to more quickly identify and correct the source of the exceedances. Therefore, the owner is required to take immediate corrective action and to provide a report to the appropriate RWQCB within 14-calendar days of the violation describing the corrective action.

Storm Water Pollution Prevention Plan (SWPPP)

This General Permit requires development and implementation of a SWPPP. This document emphasizes the use of appropriately selected, correctly installed and maintained pollution reduction BMPs. This approach provides the flexibility necessary to establish BMPs which can effectively address source control of pollutants during changing construction activities.

All dischargers shall prepare and implement a SWPPP prior to disturbing a site. The SWPPP must be implemented at the appropriate level to protect water quality at all times throughout the life of the project. Nonstorm water BMPs must be implemented year round. The SWPPP shall remain on the site while the site is under construction, commencing with the initial mobilization and ending with the termination of coverage under the permit.

The SWPPP has two major objectives: (1) to help identify the sources of sediment and other pollutants that affect the quality of storm water discharges and (2) to describe and ensure the implementation of BMPs to reduce or eliminate sediment and other pollutants in storm water as well as nonstorm water discharges. The SWPPP shall include BMPs which address source control and, if necessary, shall also include BMPs which address pollutant control.

Required elements of a SWPPP include: (1) site description addressing the elements and characteristics specific to the site, (2) descriptions of BMPs for erosion and sediment controls, (3) BMPs for construction waste handling and disposal, (4) implementation of approved local plans, (5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements, and (6) nonstorm water management.

To ensure that the preparation, implementation, and oversight of the SWPPP is sufficient for effective pollution prevention, individuals responsible for creating, revising, overseeing, and implementing the SWPPP should participate in applicable training programs and document such training in the SWPPP.

SWPPPs are reports that are available to the public under Section 308(b) of the CWA and will be made available by the RWQCB upon request.

Monitoring Program

Another major feature of the General Permit is the development and implementation of a monitoring program. All dischargers are required to conduct inspections of the construction site prior to anticipated storm events and after actual storm events. During extended storm events, inspections must be made during each 24-hour period. The goals of these inspections are (1) to identify areas contributing to a storm water discharge; (2) to evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly installed and functioning in accordance with the terms of the General Permit; and (3) whether additional control practices or corrective maintenance activities are needed. Equipment, materials, and workers must be available for rapid response to failures and emergencies. All corrective maintenance to BMPs shall be performed as soon as possible, depending upon worker safety.

Each discharger shall certify annually that the construction activities are in compliance with the requirements of this General Permit. Dischargers who cannot certify annual compliance shall notify the appropriate RWQCB. A well-developed monitoring program will provide a good method for checking the effectiveness of the SWPPP.

Retention of Records

The discharger is required to retain records of all monitoring information, copies of all reports required by this General Permit, and records of all data used to complete the NOI for all construction activities to be covered by the General Permit for a period of at least three years from the date generated. This period may be extended by request of the SWRCB and/or RWQCB. With the exception of reporting noncompliance to the appropriate RWQCB, dischargers are not required to submit the records, except upon specific request by the RWQCB.

**STATE WATER RESOURCES CONTROL BOARD (SWRCB)
ORDER NO. 99 - 08 - DWQ
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. CAS000002**

**WASTE DISCHARGE REQUIREMENTS (WDRS)
FOR
DISCHARGES OF STORM WATER RUNOFF ASSOCIATED WITH
CONSTRUCTION ACTIVITY**

The State Water Resources Control Board finds that:

1. Federal regulations for controlling pollutants in storm water runoff discharges were promulgated by the U.S. Environmental Protection Agency (USEPA) on November 16, 1990 (40 Code of Federal Regulations (CFR) Parts 122, 123, and 124). The regulations require discharges of storm water to surface waters associated with construction activity including clearing, grading, and excavation activities (except operations that result in disturbance of less than five acres of total land area and which are not part of a larger common plan of development or sale)¹ to obtain an NPDES permit and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate storm water pollution.
2. This General Permit regulates pollutants in discharges of storm water associated with construction activity (storm water discharges) to surface waters, except from those areas on Tribal Lands; Lake Tahoe Hydrologic Unit; construction projects which disturb less than five acres, unless part of a larger common plan of development or sale; and storm water discharges which are determined ineligible for coverage under this General Permit by the California Regional Water Quality Control Boards (RWQCBs). Attachment 1 contains addresses and telephone numbers of each RWQCB office.
3. This General Permit does not preempt or supersede the authority of local storm water management agencies to prohibit, restrict, or control storm water discharges to separate storm sewer systems or other watercourses within their jurisdiction, as allowed by State and Federal law.

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¹ Construction activities under five acres are not covered by this permit. Construction activities with less than five acres of disturbance are required to apply for a permit under Phase II regulations by August 7, 2001. (CFR Section 122.26(g)(1)(ii).)

4. To obtain authorization for proposed storm water discharges to surface waters, pursuant to this General Permit, the landowner (discharger) must submit a Notice of Intent (NOI) with a vicinity map and the appropriate fee to the SWRCB prior to commencement of construction activities. In addition, coverage under this General Permit shall not occur until the applicant develops a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of Section A of this permit for the project. For proposed construction activity conducted on easements or on nearby property by agreement or permission, or by an owner or lessee of a mineral estate (oil, gas, geothermal, aggregate, precious metals, and/or industrial minerals) entitled to conduct the activities, the entity responsible for the construction activity must submit the NOI and filing fee and shall be responsible for development of the SWPPP.
5. If an individual NPDES Permit is issued to a discharger otherwise subject to this General Permit or if an alternative General Permit is subsequently adopted which covers storm water discharges regulated by this General Permit, the applicability of this General Permit to such discharges is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the subsequent General Permit.
6. This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with section 13389 of the California Water Code.
7. The SWRCB adopted the California Ocean Plan, and the RWQCBs have adopted and the SWRCB has approved Water Quality Control Plans (Basin Plans). Dischargers regulated by this General Permit must comply with the water quality standards in these Basin Plans and subsequent amendments thereto.
8. The SWRCB finds storm water discharges associated with construction activity to be a potential significant sources of pollutants. Furthermore, the SWRCB finds that storm water discharges associated with construction activities have the reasonable potential to cause or contribute to an excursion above water quality standards for sediment in the water bodies listed in Attachment 3 to this permit.
9. It is not feasible at this time to establish numeric effluent limitations for pollutants in storm water discharges from construction activities. Instead, the provisions of this General Permit require implementation of Best Management Practices (BMPs) to control and abate the discharge of pollutants in storm water discharges.
10. Discharges of non-storm water may be necessary for the completion of certain construction projects. Such discharges include, but are not limited to: irrigation of vegetative erosion control measures, pipe flushing and testing, street cleaning, and dewatering. Such discharges are authorized by this General Permit as long as they (a) do comply with Section A.9 of this General Permit, (b) do not cause or contribute to violation of any water quality standard, (c) do not violate any other provision of this General Permit, (d) do not require a non-storm water permit as issued by some RWQCBs,

and (e) are not prohibited by a Basin Plan. If a non-storm water discharge is subject to a separate permit adopted by a RWQCB, the discharge must additionally be authorized by the RWQCB permit.

11. Following adoption of this General Permit, the RWQCBs shall enforce the provisions herein including the monitoring and reporting requirements.
12. Following public notice in accordance with State and Federal laws and regulations, the SWRCB in a public meeting on June 8, 1998, heard and considered all comments. The SWRCB has prepared written responses to all significant comments.
13. This Order is an NPDES permit in compliance with section 402 of the Clean Water Act (CWA) and shall take effect upon adoption by the SWRCB provided the Regional Administrator of the USEPA has no objection. If the USEPA Regional Administrator objects to its issuance, the General Permit shall not become effective until such objection is withdrawn.
14. This General Permit does not authorize discharges of fill or dredged material regulated by the U.S. Army Corps of Engineers under CWA section 404 and does not constitute a waiver of water quality certification under CWA section 401.

IT IS HEREBY ORDERED that all dischargers who file an NOI indicating their intention to be regulated under the provisions of this General Permit shall comply with the following:

A. DISCHARGE PROHIBITIONS:

1. Authorization pursuant to this General Permit does not constitute an exemption to applicable discharge prohibitions prescribed in Basin Plans, as implemented by the nine RWQCBs.
2. Discharges of material other than storm water which are not otherwise authorized by an NPDES permit to a separate storm sewer system (MS4) or waters of the nation are prohibited, except as allowed in Special Provisions for Construction Activity, C.3.
3. Storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance.
4. Storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.

B. RECEIVING WATER LIMITATIONS:

1. Storm water discharges and authorized nonstorm water discharges to any surface or ground water shall not adversely impact human health or the environment.
2. The SWPPP developed for the construction activity covered by this General Permit shall be designed and implemented such that storm water discharges and authorized nonstorm water discharges shall not cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan and/or the applicable RWQCB's Basin Plan.
3. Should it be determined by the discharger, SWRCB, or RWQCB that storm water discharges and/or authorized nonstorm water discharges are causing or contributing to an exceedance of an applicable water quality standard, the discharger shall:
 - a. Implement corrective measures immediately following discovery that water quality standards were exceeded, followed by notification to the RWQCB by telephone as soon as possible but no later than 48 hours after the discharge has been discovered. This notification shall be followed by a report within 14-calendar days to the appropriate RWQCB, unless otherwise directed by the RWQCB, describing (1) the nature and cause of the water quality standard exceedance; (2) the BMPs currently being implemented; (3) any additional BMPs which will be implemented to prevent or reduce pollutants that are causing or contributing to the exceedance of water quality standards; and (4) any maintenance or repair of BMPs. This report shall include an implementation schedule for corrective actions and shall describe the actions taken to reduce the pollutants causing or contributing to the exceedance.
 - b. The discharger shall revise its SWPPP and monitoring program immediately after the report to the RWQCB to incorporate the additional BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring needed.
 - c. Nothing in this section shall prevent the appropriate RWQCB from enforcing any provisions of this General Permit while the discharger prepares and implements the above report.

C. SPECIAL PROVISIONS FOR CONSTRUCTION ACTIVITY:

1. All dischargers shall file an NOI and pay the appropriate fee for construction activities conducted at each site as required by Attachment 2: Notice of Intent--General Instructions.

2. All dischargers shall develop and implement a SWPPP in accordance with Section A: Storm Water Pollution Prevention Plan. The discharger shall implement controls to reduce pollutants in storm water discharges from their construction sites to the BAT/BCT performance standard.
3. Discharges of non-storm water are authorized only where they do not cause or contribute to a violation of any water quality standard and are controlled through implementation of appropriate BMPs for elimination or reduction of pollutants. Implementation of appropriate BMPs is a condition for authorization of non-storm water discharges. Non-storm water discharges and the BMPs appropriate for their control must be described in the SWPPP. Wherever feasible, alternatives which do not result in discharge of nonstorm water shall be implemented in accordance with Section A.9. of the SWPPP requirements.
4. All dischargers shall develop and implement a monitoring program and reporting plan in accordance with Section B: Monitoring Program and Reporting Requirements.
5. All dischargers shall comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to separate storm sewer systems or other watercourses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by the RWQCBs to local agencies.
6. All dischargers shall comply with the standard provisions and reporting requirements contained in Section C: Standard Provisions.
7. The discharger may terminate coverage for a portion of the project under this General Permit when ownership of a portion of this project has been transferred or when a phase within this multi-phase project has been completed. When ownership has transferred, the discharger must submit to its RWQCB a Change of Information Form (COI) Attachment 4 with revised site map and the name, address and telephone number of the new owner(s). Upon transfer of title, the discharger should notify the new owner(s) of the need to obtain coverage under this General Permit. The new owner must comply with provisions of Sections A. 2. (c) and B. 2. (b) of this General Permit. To terminate coverage for a portion of the project when a phase has been completed, the discharger must submit to its RWQCB a COI with a revised map that identifies the newly delineated site.
8. The discharger may terminate coverage under this General Permit for a complete project by submitting to its RWQCB a Notice of Termination Form (NOT), and the post-construction BMPs plan according to Section A.10 of this General

Permit. Note that a construction project is considered complete only when all portions of the site have been transferred to a new owner; or the following conditions have been met:

- a. There is no potential for construction related storm water pollution,
- b. All elements of the SWPPP have been completed,
- c. Construction materials and waste have been disposed of properly,
- d. The site is in compliance with all local storm water management requirements, and
- e. A post-construction storm water management plan is in place as described in the site's SWPPP.

9. This General Permit expires five years from the date of adoption.

D. REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) AUTHORITIES:

1. RWQCBs shall:
 - a. Implement the provisions of this General Permit. Implementation of this General Permit may include, but is not limited to requesting the submittal of SWPPPS, reviewing SWPPPs, reviewing monitoring reports, conducting compliance inspections, and taking enforcement actions.
 - b. Issue permits as they deem appropriate to individual dischargers, categories of dischargers, or dischargers in a geographic area. Upon issuance of such permits by a RWQCB, the affected dischargers shall no longer be regulated by this General Permit.
2. RWQCBs may require, on a case-by-case basis, the inclusion of an analysis of potential downstream impacts on receiving waterways due to the permitted construction.
3. RWQCBs may provide information to dischargers on the development and implementation of SWPPPs and monitoring programs and may require revisions to SWPPPs and monitoring programs.
4. RWQCBs may require dischargers to retain records for more than three years.
5. RWQCBs may require additional monitoring and reporting program requirements including sampling and analysis of discharges to water bodies listed in

Attachment 3 to this permit. Additional requirements imposed by the RWQCB should be consistent with the overall monitoring effort in the receiving waters.

6. RWQCBs may issue individual NPDES permits for those construction activities found to be ineligible for coverage under this permit.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 19, 1999.

AYE: James M. Stubchaer
Mary Jane Forster
John W. Brown
Arthur G. Baggett, Jr.

NO: None

ABSENT: None

ABSTAIN: None

/s/
Maureen Marché
Administrative Assistant to the Board

SECTION A: STORM WATER POLLUTION PREVENTION PLAN

1. Objectives

A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented to address the specific circumstances for each construction site covered by this General Permit. The SWPPP shall be certified in accordance with the signatory requirements of section C, Standard Provision for Construction Activities (9). The SWPPP shall be developed and amended or revised, when necessary, to meet the following objectives:

- a. Identify all pollutant sources including sources of sediment that may affect the quality of storm water discharges associated with construction activity (storm water discharges) from the construction site, and
- b. Identify non-storm water discharges, and
- c. Identify, construct, implement in accordance with a time schedule, and maintain Best Management Practices (BMPs) to reduce or eliminate pollutants in storm water discharges and authorized nonstorm water discharges from the construction site during construction, and
- d. Develop a maintenance schedule for BMPs installed during construction designed to reduce or eliminate pollutants after construction is completed (post-construction BMPs).

2. Implementation Schedule

- a. For construction activity commencing on or after adoption of this General Permit, the SWPPP shall be developed prior to the start of soil-disturbing activity in accordance with this Section and shall be implemented concurrently with commencement of soil-disturbing activities.
- b. Existing permittees engaging in construction activities covered under the terms of the previous General Construction Permit SWPPP (WQ Order No.92-08-DWQ) shall continue to implement their existing SWPPP and shall implement any necessary revisions to their SWPPP in accordance with this Section of the General Permit in a timely manner, but in no case more than 90-calender days from the date of adoption of this General Permit.
- c. For ongoing construction activity involving a change of ownership of property, the new owner shall review the existing SWPPP and amend if necessary, or develop a new SWPPP within 45-calender days.

3. Availability

The SWPPP shall remain on the construction site while the site is under construction during working hours, commencing with the initial construction activity and ending with termination of coverage under the General Permit.

4. Required Changes

- a. The discharger shall amend the SWPPP whenever there is a change in construction or operations which may affect the discharge of pollutants to surface waters, ground waters, or a municipal separate storm sewer system (MS4). The SWPPP shall also be amended if the discharger violates any condition of this General Permit or has not achieved the general objective of reducing or eliminating pollutants in storm water discharges. If the RWQCB determines that the discharger is in violation of this General Permit, the SWPPP shall be amended and implemented in a timely manner, but in no case more than 14-calendar days after notification by the RWQCB. All amendments should be dated and directly attached to the SWPPP.
- b. The RWQCB or local agency with the concurrence of the RWQCB may require the discharger to amend the SWPPP.

5. Source Identification

The SWPPP shall include: (a) project information and (b) pollutant source identification combined with an itemization of those BMPs specifically chosen to control the pollutants listed.

a. Project Information

- (1) The SWPPP shall include a vicinity map locating the project site with respect to easily identifiable major roadways, geographic features, or landmarks. At a minimum, the map must show the construction site perimeter, the geographic features surrounding the site, and the general topography.
- (2) The SWPPP shall include a site map(s) which shows the construction project in detail, including the existing and planned paved areas and buildings.
 - (a) At a minimum, the map must show the construction site perimeter; existing and proposed buildings, lots, roadways, storm water collection and discharge points; general topography both before and after construction; and the anticipated discharge location(s)

where the storm water from the construction site discharges to a municipal storm sewer system or other water body.

- (b) The drainage patterns across the project area must clearly be shown on the map, and the map must extend as far outside the site perimeter as necessary to illustrate the relevant drainage areas. Where relevant drainage areas are too large to depict on the map, map notes or inserts illustrating the upstream drainage areas are sufficient.
 - (c) Temporary on-site drainages to carry concentrated flow shall be selected to comply with local ordinances, to control erosion, to return flows to their natural drainage courses, and to prevent damage to downstream properties.
3. Information presented in the SWPPP may be represented either by narrative or by graphics. Where possible, narrative descriptions should be plan notes. Narrative descriptions which do not lend themselves to plan notes can be contained in a separate document which must be referenced on the plan.

b. Pollutant Source and BMP Identification

The SWPPP shall include a description of potential sources which are likely to add pollutants to storm water discharges or which may result in nonstorm water discharges from the construction site. Discharges originating from off-site which flow across or through areas disturbed by construction that may contain pollutants should be reported to the RWQCB.

The SWPPP shall:

- (1) Show drainage patterns and slopes anticipated after major grading activities are completed. Runoff from off-site areas should be prevented from flowing through areas that have been disturbed by construction unless appropriate conveyance systems are in place. The amount of anticipated storm water run-on must be considered to determine the appropriateness of the BMPs chosen. Show all calculations for anticipated storm water run-on, and describe all BMPs implemented to divert off-site drainage described in section A. 5 a. (2) (c) around or through the construction project.
- (2) Show the drainage patterns into each on-site storm water inlet point or receiving water. Show or describe the BMPs that will protect operational storm water inlets or receiving waters from contaminated discharges other than sediment discharges, such as, but not limited to: storm water with

elevated pH levels from contact with soil amendments such as lime or gypsum; slurry from sawcutting of concrete or asphalt ;washing of exposed aggregate concrete; concrete rinse water; building washing operations; equipment washing operations; minor street washing associated with street delineation; and/or sealing and paving activities occurring during rains.

- (3) Show existing site features that, as a result of known past usage, may contribute pollutants to storm water, (e.g., toxic materials that are known to have been treated, stored, disposed, spilled, or leaked onto the construction site). Show or describe the BMPs implemented to minimize the exposure of storm water to contaminated soil or toxic materials.
- (4) Show areas designated for the (a) storage of soil or waste, (b) vehicle storage and service areas, (c) construction material loading, unloading, and access areas, (d) equipment storage, cleaning, and maintenance areas.
- (5) Describe the BMPs for control of discharges from waste handling and disposal areas and methods of on-site storage and disposal of construction materials and construction waste. Describe the BMPs designed to minimize or eliminate the exposure of storm water to construction materials, equipment, vehicles, waste storage areas, or service areas. The BMPs described shall be in compliance with Federal, State, and local laws, regulations, and ordinances.
- (6) Describe all post-construction BMPs for the project, and show the location of each BMP on the map. (Post-construction BMPs consist of permanent features designed to minimize pollutant discharges, including sediment, from the site after construction has been completed.) Also, describe the agency or parties to be the responsible party for long-term maintenance of these BMPs.

c. Additional Information

- (1) The SWPPP shall include a narrative description of pollutant sources and BMPs that cannot be adequately communicated or identified on the site map. In addition, a narrative description of preconstruction control practices (if any) to reduce sediment and other pollutants in storm water discharges shall be included.
- (2) The SWPPP shall include an inventory of all materials used and activities performed during construction that have the potential to contribute to the discharge of pollutants other than sediment in storm water. Describe the BMPs selected and the basis for their selection to eliminate or reduce these pollutants in the storm water discharges.

- (3) The SWPPP shall include the following information regarding the construction site surface area: the size (in acres or square feet), the runoff coefficient before and after construction, and the percentage that is impervious (e.g., paved, roofed, etc.) before and after construction.
- (4) The SWPPP shall include a copy of the NOI, and the Waste Discharge Identification (WDID) number. Should a WDID number not be received from the SWRCB at the time construction commences, the discharger shall include proof of mailing of the NOI, e.g., certified mail receipt, copy of check, express mail receipt, etc.
- (5) The SWPPP shall include a construction activity schedule which describes all major activities such as mass grading, paving, lot or parcel improvements at the site and the proposed time frame to conduct those activities.
- (6) The SWPPP shall list the name and telephone number of the qualified person(s) who have been assigned responsibility for prestorm, poststorm, and storm event BMP inspections; and the qualified person(s) assigned responsibility to ensure full compliance with the permit and implementation of all elements of the SWPPP, including the preparation of the annual compliance evaluation and the elimination of all unauthorized discharges.

6. Erosion Control

Erosion control, also referred to as "soil stabilization" is the most effective way to retain soil and sediment on the construction site. The most efficient way to address erosion control is to preserve existing vegetation where feasible, to limit disturbance, and to stabilize and revegetate disturbed areas as soon as possible after grading or construction. Particular attention must be paid to large mass-graded sites where the potential for soil exposure to the erosive effects of rainfall and wind is great. Mass graded construction sites may be exposed for several years while the project is being built out. Thus, there is potential for significant sediment discharge from the site to surface waters.

At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single-most important factor in reducing erosion at construction sites. The discharger shall consider measures such as: covering with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, permanent seeding, and a variety of other measures.

The SWPPP shall include a description of the erosion control practices, including a time schedule, to be implemented during construction to minimize erosion on disturbed areas of a construction site. The discharger must consider the full range of erosion control BMPs. The discharger must consider any additional site-specific and seasonal conditions when selecting and implementing appropriate BMPs. The above listed erosion control measures are examples of what should be considered and are not exclusive of new or innovative approaches currently available or being developed.

a. The SWPPP shall include:

- (1) An outline of the areas of vegetative soil cover or native vegetation onsite which will remain undisturbed during the construction project.
- (2) An outline of all areas of soil disturbance including cut or fill areas which will be stabilized during the rainy season by temporary or permanent erosion control measures, such as seeding, mulch, or blankets, etc.
- (3) An outline of the areas of soil disturbance, cut, or fill which will be left exposed during any part of the rainy season, representing areas of potential soil erosion where sediment control BMPs are required to be used during construction.
- (4) A proposed schedule for the implementation of erosion control measures.

b. The SWPPP shall include a description of the BMPs and control practices to be used for both temporary and permanent erosion control measures.

c. The SWPPP shall include a description of the BMPs to reduce wind erosion at all times, with particular attention paid to stock-piled materials.

7. Stabilization

- (1) All disturbed areas of the construction site must be stabilized. Final stabilization for the purposes of submitting a NOT is satisfied when:

-All soil disturbing activities are completed AND EITHER OF THE TWO FOLLOWING CRITERIA ARE MET:

-A uniform vegetative cover with 70 percent coverage has been established OR:

-equivalent stabilization measures have been employed. These measures include the use of such BMPs as blankets, reinforced

channel liners, soil cement, fiber matrices, geotextiles, or other erosion resistant soil coverings or treatments.

- (2) Where background native vegetation covers less than 100 percent of the surface, such as in arid areas, the 70 percent coverage criteria is adjusted as follows: If the native vegetation covers 50 percent of the ground surface, 70 percent of 50 percent ($.70 \times .50 = .35$) would require 35 percent total uniform surface coverage.

8. Sediment Control

The SWPPP shall include a description or illustration of BMPs which will be implemented to prevent a net increase of sediment load in storm water discharge relative to preconstruction levels. Sediment control BMPs are required at appropriate locations along the site perimeter and at all operational internal inlets to the storm drain system at all times during the rainy season. Sediment control practices may include filtration devices and barriers (such as fiber rolls, silt fence, straw bale barriers, and gravel inlet filters) and/or settling devices (such as sediment traps or basins). Effective filtration devices, barriers, and settling devices shall be selected, installed and maintained properly. A proposed schedule for deployment of sediment control BMPs shall be included in the SWPPP. These are the most basic measures to prevent sediment from leaving the project site and moving into receiving waters. Limited exemptions may be authorized by the RWQCB when work on active areas precludes the use of sediment control BMPs temporarily. Under these conditions, the SWPPP must describe a plan to establish perimeter controls prior to the onset of rain.

During the nonrainy season, the discharger is responsible for ensuring that adequate sediment control materials are available to control sediment discharges at the downgrade perimeter and operational inlets in the event of a predicted storm. The discharger shall consider a full range of sediment controls, in addition to the controls listed above, such as straw bale dikes, earth dikes, brush barriers, drainage swales, check dams, subsurface drain, sandbag dikes, fiber rolls, or other controls. At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season.

If the discharger chooses to rely on sediment basins for treatment purposes, sediment basins shall, at a minimum, be designed and maintained as follows:

- Option 1: Pursuant to local ordinance for sediment basin design and maintenance, provided that the design efficiency is as protective or more protective of water quality than Option 3.

OR

Option 2: Sediment basin(s), as measured from the bottom of the basin to the principal outlet, shall have at least a capacity equivalent to 3,600 cubic feet of storage per acre draining into the sediment basin. The length of the basin shall be more than twice the width of the basin. The length is determined by measuring the distance between the inlet and the outlet; and the depth must not be less than three feet nor greater than five feet for safety reasons and for maximum efficiency.

OR

Option 3: Sediment basin(s) shall be designed using the standard equation:

$$As=1.2Q/Vs$$

Where: As is the minimum surface area for trapping soil particles of a certain size; Vs is the settling velocity of the design particle size chosen; and $Q=C \times I \times A$ where Q is the discharge rate measured in cubic feet per second; C is the runoff coefficient; I is the precipitation intensity for the 10-year, 6-hour rain event and A is the area draining into the sediment basin in acres. The design particle size shall be the smallest soil grain size determined by wet sieve analysis, or the fine silt sized (0.01mm) particle, and the Vs used shall be 100 percent of the calculated settling velocity.

The length is determined by measuring the distance between the inlet and the outlet; the length shall be more than twice the dimension as the width; the depth shall not be less than three feet nor greater than five feet for safety reasons and for maximum efficiency (two feet of storage, two feet of capacity). The basin(s) shall be located on the site where it can be maintained on a year-round basis and shall be maintained on a schedule to retain the two feet of capacity;

OR

Option 4: The use of an equivalent surface area design or equation, provided that the design efficiency is as protective or more protective of water quality than Option 3.

A sediment basin shall have a means for dewatering within 7-calendar days following a storm event. Sediment basins may be fenced if safety (worker or public) is a concern.

The outflow from a sediment basin that discharges into a natural drainage shall be provided with outlet protection to prevent erosion and scour of the embankment and channel.

The discharger must consider any additional site-specific and seasonal conditions when selecting and designing sediment control BMPs. The above listed sediment control measures are examples of what should be considered and are not exclusive of new or innovative approaches currently available or being developed.

The SWPPP shall include a description of the BMPs to reduce the tracking of sediment onto public or private roads at all times. These public and private roads shall be inspected and cleaned as necessary. Road cleaning BMPs shall be discussed in the SWPPP and will not rely on the washing of accumulated sediment or silt into the storm drain system.

9. Non-Storm Water Management

Describe all non-storm water discharges to receiving waters that are proposed for the construction project. Non-storm water discharges should be eliminated or reduced to the extent feasible. Include the locations of such discharges and descriptions of all BMPs designed for the control of pollutants in such discharges. Onetime discharges shall be monitored during the time that such discharges are occurring. A qualified person should be assigned the responsibility for ensuring that no materials other than storm water are discharged in quantities which will have an adverse effect on receiving waters or storm drain systems (consistent with BÂT/BCT), and the name and contact number of that person should be included in the SWPPP document.

Discharging sediment-laden water which will cause or contribute to an exceedance of the applicable RWQCB's Basin Plan from a dewatering site or sediment basin into any receiving water or storm drain without filtration or equivalent treatment is prohibited.

10. Post-Construction Storm Water Management

The SWPPP shall include descriptions of the BMPs to reduce pollutants in storm water discharges after all construction phases have been completed at the site (Post-Construction BMPs). Post-Construction BMPs include the minimization of land disturbance, the minimization of impervious surfaces, treatment of storm water runoff using infiltration, detention/retention, biofilter BMPs, use of efficient irrigation systems, ensuring that interior drains are not connected to a storm sewer system, and appropriately designed and constructed energy dissipation devices. These must be consistent with all local post-construction storm water management requirements, policies, and guidelines. The discharger must consider site-specific and seasonal conditions when designing the control practices. Operation and maintenance of control practices after construction is completed shall be addressed, including short-and long-term funding sources and the responsible party.

11. Maintenance, Inspection, and Repair

The SWPPP shall include a discussion of the program to inspect and maintain all BMPs as identified in the site plan or other narrative documents throughout the entire duration of the project. A qualified person will be assigned the responsibility to conduct inspections. The name and telephone number of that person shall be listed in the SWPPP document. Inspections will be performed before and after storm events and once each 24-hour period during extended storm events to identify BMP effectiveness and implement repairs or design changes as soon as feasible depending upon field conditions. Equipment, materials, and workers must be available for rapid response to failures and emergencies. All corrective maintenance to BMPs shall be performed as soon as possible after the conclusion of each storm depending upon worker safety.

For each inspection required above, the discharger shall complete an inspection checklist. At a minimum, an inspection checklist shall include:

- a. Inspection date.
- b. Weather information: best estimate of beginning of storm event, duration of event, time elapsed since last storm, and approximate amount of rainfall (inches).
- c. A description of any inadequate BMPs.
- d. If it is possible to safely access during inclement weather, list observations of all BMPs: erosion controls, sediment controls, chemical and waste controls, and non-storm water controls. Otherwise, list result of visual inspection at relevant outfall, discharge point, or downstream location and projected required maintenance activities.
- e. Corrective actions required, including any changes to SWPPP necessary and implementation dates.
- f. Inspectors name, title, and signature.

The dischargers shall prepare their inspection checklists using the inspection checklist form provided by the SWRCB or RWQCB or on forms that contain the equivalent information.

12. Training

Individuals responsible for SWPPP preparation, implementation, and permit compliance shall be appropriately trained, and the SWPPP shall document all training. This includes those personnel responsible for installation, inspection, maintenance, and repair of BMPs. Those responsible for overseeing, revising, and amending the SWPPP shall also document their training. Training should be both formal and informal, occur on an

ongoing basis when it is appropriate and convenient, and should include training/workshops offered by the SWRCB, RWQCB, or other locally recognized agencies or professional organizations.

13. List of Contractors/Subcontractors

The SWPPP shall include a list of names of all contractors, (or subcontractors) and individuals responsible for implementation of the SWPPP. This list should include telephone numbers and addresses. Specific areas of responsibility of each subcontractor and emergency contact numbers should also be included.

14. Other Plans

This SWPPP may incorporate by reference the appropriate elements of other plans required by local, State, or Federal agencies. A copy of any requirements incorporated by reference shall be kept at the construction site.

15. Public Access

The SWPPP shall be provided, upon request, to the RWQCB. The SWPPP is considered a report that shall be available to the public by the RWQCB under section 308(b) of the Clean Water Act.

16. Preparer Certification

The SWPPP and each amendment shall be signed by the landowner (discharger) or his representative and include the date of initial preparation and the date of each amendment.

SECTION B: MONITORING PROGRAM AND REPORTING REQUIREMENTS

1. Required Changes

The RWQCB may require the discharger to conduct additional site inspections, to submit reports and certifications, or perform sampling and analysis.

2. Implementation

- a. The requirements of this Section shall be implemented at the time of commencement of construction activity (see also Section A. 2. Implementation Schedule). The discharger is responsible for implementing these requirements until construction activity is complete and the site is stabilized.
- b. For ongoing construction activity involving a change in ownership of property covered by this General Permit, the new owner must complete a NOI and

implement the requirements of this Section concurrent with the change of ownership. For changes of information, the owner must follow instructions in C. 7. Special Provisions for Construction Activity of the General Permit.

3. Site Inspections

Qualified personnel shall conduct inspections of the construction site prior to anticipated storm events, during extended storm events, and after actual storm events to identify areas contributing to a discharge of storm water associated with construction activity. The name(s) and contact number(s) of the assigned inspection personnel shall be listed in the SWPPP. Pre-storm inspections are to ensure that BMPs are properly installed and maintained; post-storm inspections are to assure that the BMPs have functioned adequately. During extended storm events, inspections shall be required each 24-hour period. Best Management Practices (BMPs) shall be evaluated for adequacy and proper implementation and whether additional BMPs are required in accordance with the terms of the General Permit (see language in Section A. 11. Maintenance, Inspection, and Repair). Implementation of nonstorm water discharge BMPs shall be verified and their effectiveness evaluated. One time discharges of non-storm water shall be inspected when such discharges occur.

4. Compliance Certification

Each discharger or qualified assigned personnel listed by name and contact number in the SWPPP must certify annually that construction activities are in compliance with the requirements of this General Permit and the SWPPP. This Certification shall be based upon the site inspections required in Item 3 of this Section. The certification must be completed by July 1 of each year.

5. Noncompliance Reporting

Dischargers who cannot certify compliance, in accordance with Item 4 of this Section and/or who have had other instances of noncompliance excluding exceedances of water quality standards as defined in section B. 3. Receiving Water Limitations Language, shall notify the appropriate RWQCB within 30 days. Corrective measures should be implemented immediately following discovery that water quality standards were exceeded. The notifications shall identify the noncompliance event, including an initial assessment of any impact caused by the event; describe the actions necessary to achieve compliance; and include a time schedule subject to the modifications by the RWQCB indicating when compliance will be achieved. Noncompliance notifications must be submitted within 30-calendar days of identification of noncompliance.

6. Monitoring Records

Records of all inspections, compliance certifications, and noncompliance reporting must be retained for a period of at least three years from the date generated. With the exception of noncompliance reporting, dischargers are not required to submit these records.

SECTION C: STANDARD PROVISIONS FOR CONSTRUCTION ACTIVITY

1. Duty to Comply

The discharger must comply with all of the conditions of this General Permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action and/or removal from General Permit coverage.

The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this General Permit has not yet been modified to incorporate the requirement.

2. General Permit Actions

This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not annul any General Permit condition.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this General Permit, this General Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the dischargers so notified.

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit.

4. Duty to Mitigate

The discharger shall take all responsible steps to minimize or prevent any discharge in violation of this General Permit, which has a reasonable likelihood of adversely affecting human health or the environment.

5. Proper Operation and Maintenance

The discharger shall at all times properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this General Permit and with the requirements of Storm Water Pollution Prevention Plans (SWPPP). Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by a discharger when necessary to achieve compliance with the conditions of this General Permit.

6. Property Rights

This General Permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of Federal, State, or local laws or regulations.

7. Duty to Provide Information

The discharger shall furnish the RWQCB, State Water Resources Control Board, or USEPA, within a reasonable time, any requested information to determine compliance with this General Permit. The discharger shall also furnish, upon request, copies of records required to be kept by this General Permit.

8. Inspection and Entry

The discharger shall allow the RWQCB, SWRCB, USEPA, and/or, in the case of construction sites which discharge through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the discharger's premises at reasonable times where a regulated construction activity is being conducted or where records must be kept under the conditions of this General Permit;
- b. Access and copy at reasonable times any records that must be kept under the conditions of this General Permit;

- c. Inspect at reasonable times the complete construction site, including any off-site staging areas or material storage areas, and the erosion/sediment controls; and
- d. Sample or monitor at reasonable times for the purpose of ensuring General Permit compliance.

9. Signatory Requirements

- a. All Notice of Intents (NOIs), Notice of Terminations (NOTs), SWPPPs, certifications, and reports prepared in accordance with this Order submitted to the SWRCB shall be signed as follows:
 - (1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (b) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer, ranking elected official, or duly authorized representative. The principal executive officer of a Federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of USEPA).
- b. All SWPPPs, reports, certifications, or other information required by the General Permit and/or requested by the RWQCB, SWRCB, USEPA, or the local storm water management agency shall be signed by a person described above or by a duly authorized representative. A person is a duly authorized representative if:
 - (1) The authorization is made in writing by a person described above and retained as part of the SWPPP; or

- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the construction activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

- c. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the construction activity, a new authorization must be attached to the SWPPP prior to submittal of any reports, information, or certifications to be signed by the authorized representative.

10. Certification

Any person signing documents under Section C, Provision 9 above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. Anticipated Noncompliance

The discharger will give advance notice to the RWQCB and local storm water management agency of any planned changes in the construction activity which may result in noncompliance with General Permit requirements.

12. Penalties for Falsification of Reports

Section 309(c)(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including reports of compliance or noncompliance shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years or by both.

13. Oil and Hazardous Substance Liability

Nothing in this General Permit shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Section 311 of the CWA.

14. Severability

The provisions of this General Permit are severable; and, if any provision of this General Permit or the application of any provision of this General Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this General Permit shall not be affected thereby.

15. Reopener Clause

This General Permit may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of USEPA guidance concerning regulated activities, judicial decision, or in accordance with 40 Code of Federal Regulations (CFR) 122.62, 122.63, 122.64, and 124.5.

16. Penalties for Violations of Permit Conditions

- a. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any such section in a permit issued under Section 402. Any person who violates any permit condition of this General Permit is subject to a civil penalty not to exceed \$27,500 per calendar day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.
- b. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties which in some cases are greater than those under the CWA.

17. Availability

A copy of this General Permit shall be maintained at the construction site during construction activity and be available to operating personnel.

18. Transfers

This General Permit is not transferable. A new owner of an ongoing construction activity must submit a NOI in accordance with the requirements of this General Permit to be authorized to discharge under this General Permit. An owner who sells property covered by this General Permit shall inform the new owner of the duty to file a NOI and shall provide the new owner with a copy of this General Permit.

19. Continuation of Expired Permit

This General Permit continues in force and effect until a new General Permit is issued or the SWRCB rescinds this General Permit. Only those dischargers authorized to discharge under the expiring General Permit are covered by the continued General Permit.

Attachment 1

**SWRCB AND RWQCB CONTACT LIST
STATE WATER RESOURCES CONTROL BOARD**

Please see Storm Water Contacts at
<http://www.swrcb.ca.gov/stormwtr/contact.html>

NOTICE OF INTENT (NOI) TO COMPLY WITH THE TERMS
OF THE GENERAL PERMIT TO DISCHARGE STORM WATER
ASSOCIATED WITH CONSTRUCTION ACTIVITY

GENERAL INSTRUCTIONS

Who Must Submit

Discharges of storm water associated with construction that results in the disturbance of five acres or more of land must apply for coverage under the General Construction Activities Storm Water Permit (General Permit). Construction activity which is a part of a larger common area of development or sale must also be permitted. (For example, if 4 acres of a 20-acre subdivision is disturbed by construction activities, and the remaining 16 acres is to be developed at a future date, the property owner must obtain a General Storm Water Permit for the 4-acre project). Construction activity includes, but is not limited to: clearing, grading, demolition, excavation, construction of new structures, and reconstruction of existing facilities involving removal and replacement that results in soil disturbance. This includes construction access roads, staging areas, storage areas, stockpiles, and any off-site areas which receive run-off from the construction project such as discharge points into a receiving water. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.

The owner of the land where the construction activity is occurring is responsible for obtaining a permit. Owners may obtain coverage under the General Permit by filing a NOI in accordance with the following instructions. Coverage for construction activity conducted on easements (e.g., pipeline construction) or on nearby properties by agreement or permission, or by an owner or lessee of a mineral estate (oil, gas, geothermal, aggregate, precious metals, and/or industrial minerals) entitled to conduct the activities, shall be obtained by the entity responsible for the construction activity. Linear construction projects which will have construction activity occurring in one or more than one Region should contact the State Water Resources Control Board at the number listed below prior to submitting an NOI application for specific information related to the use of the NOI form.

Construction Activity Not Covered By This General Permit

Storm water discharges in the Lake Tahoe Hydrologic Unit will be regulated by a separate permit(s) adopted by the California Regional Water Quality Control Board, Lahontan Region, and will not be covered under the State Water Resources Control Board's (SWRCB) General Permit. Storm water discharges on Indian Lands will be regulated by the U.S. Environmental Protection Agency.

Where to Apply

The NOI form, vicinity map, and appropriate fee must be mailed to the SWRCB at the following address:

State Water Resources Control Board
Division of Water Quality
Attn: Storm Water Permit Unit
P.O. Box 1977
Sacramento, CA 95812-1977

When to Apply

Property owners proposing to conduct construction activities subject to this General Permit must file a Notice of Intent prior to the commencement of construction activity.

Fees

The annual fee is either \$250 or \$500 depending on the construction site location. See Enclosure 1 of the Permit to determine your fee. Checks should be made payable to: SWRCB.

Completing the Notice of Intent (NOI)

The submittal to obtain coverage under the General Permit must include a completed NOI Form (Notice of Intent, attached), a vicinity map, and the appropriate annual fee. The NOI must be completely and accurately filled out; the vicinity map and annual fee must be included with the NOI or the submittal is considered incomplete and will be rejected. A construction site is considered to be covered by the General Permit upon filing a complete NOI submittal, and implementation of a defensible Storm Water Pollution Prevention Plan (SWPPP). Upon receipt of a complete NOI submittal, each discharger will be sent a receipt letter containing the waste discharger's identification (WDID) number.

Questions?

If you have any questions on completing the NOI please call the SWRCB at (916) 657-1146.

NOI-LINE-BY-LINE INSTRUCTIONS

Please type or print when completing the NOI Form and vicinity map.

SECTION I--NOI STATUS

Mark one of the two boxes at the top portion of the NOI. Check box 1 if the NOI is being completed for new construction. Check box 2 if the NOI is being submitted to report changes for a construction site already covered by the General Permit. An example of a change that warrants a resubmittal of the NOI is a change of total area of the construction site. The permit is non-transferable, a change of ownership requires a Notice of Termination (NOT) submittal and a new NOI. Complete only those portions of the NOI that apply to the changes (the NOI must always be signed). If box 2 is checked, the WDID number must be included.

SECTION II--PROPERTY OWNER

Enter the construction site owner's official or legal name and address; contact person (if other than owner), title, and telephone number.

SECTION III--DEVELOPER / CONTRACTOR INFORMATION

Enter the name of the developer's (or general contractor's) official or legal name, address, contact person, title, and telephone number. The contact person should be someone who is familiar with the construction site and is responsible for compliance and oversight of the general permit.

SECTION IV--CONSTRUCTION PROJECT INFORMATION

Enter the project name, site address, county, city, (or nearest city if construction is occurring in an unincorporated area), zip code, and telephone number (if any) of the construction site. Include an emergency contact telephone or pager number. Construction site information should include latitude and longitude designations, tract numbers, and/or mile post markers, if applicable. The site contact person should be someone who is familiar with the project, site plans, SWPPP, and monitoring program. All NOIs must be accompanied by a vicinity map.

Part A: Enter the total size in acres of all areas associated with construction activity, including all access roads.

Part B: Enter the total size in acres of the area to be disturbed by construction activity and the percentage of the area listed in Part A above that this represents.

Part C: Enter the percentage of the site that is impervious (areas where water cannot soak into the ground, such as concrete, asphalt, rooftops, etc.) before and after construction.

Part D: Include tract numbers, if available.

- Part E: Enter the mile post marker number at the project site location.
- Part F: Indicate whether the construction site is part of a larger common plan of development or sale. For example, if the construction activity is occurring on a two-acre site which is within a development that is five acres or greater, answer yes.
- Part G: Enter the name of the development (e.g. "Quail Ridge Subdivision", "Orange Valley Estates", etc.).
- Part H: Indicate when construction will begin (month, day, year). When a NOI is being submitted due to a change in ownership, the commencement date should be the date the new ownership took effect.
- Part I: Indicate the percentage of the total project area to be mass graded.
- Part J: Enter the estimated completion dates for the mass grading activities and for the project completion.
- Part K: Indicate the type(s) of construction taking place. For example, "Transportation" should be checked for the construction of roads; "Utility" should be checked for installation of sewer, electric, or telephone systems. Include a description of the major construction activities, (e.g., 20 single family homes, a supermarket, an office building, a factory, etc.)

SECTION V--BILLING ADDRESS

To continue coverage under the General Permit, the annual fee must be paid. Indicate where the annual fee invoice should be mailed by checking one of the following boxes:

Owner: sent to the owners address as it appears in Section II.

Developer/Contractor: sent to the developer's address as it appears in Section III.

Other: sent to a different address and enter that address in the spaces provided.

SECTION VI--REGULATORY STATUS

Indicate whether or not the site is subject to local erosion/sediment control ordinances. Indicate whether the erosion/sediment control plan designed to comply with the ordinance addresses the construction of infrastructure and structures in addition to grading. Identify the name and telephone number of the local agency, if applicable.

SECTION VII--RECEIVING WATER INFORMATION

Part A: Indicate whether the storm water runoff from the construction site discharges indirectly to waters of the United States, directly to waters of the United States, or to a separate storm drain system.

Indirect discharges include discharges that may flow overland across adjacent properties or rights-of-way prior to discharging into waters of the United States.

Enter the name of the owner/operator of the relevant storm drain system, if applicable. Storm water discharges directly to waters of the United States will typically have an outfall structure directly from the facility to a river, lake, creek, stream, bay, ocean, etc. Discharges to separate storm sewer systems are those that discharge to a collection system operated by municipalities, flood control districts, utilities, or similar entities.

Part B: Enter the name of the receiving water. Regardless of point of discharge, the owner must determine the receiving water for the construction site's storm water discharge. Enter the name of the receiving water.

SECTION VIII--IMPLEMENTATION OF NPDES PERMIT REQUIREMENTS

Part A: Indicate the status of the SWPPP, date prepared, or availability for review. Also indicate if a tentative construction schedule has been included in the SWPPP (the inclusion of a construction activity schedule is a mandatory SWPPP requirement).

Part B: Provide information concerning the status of the development of a monitoring program, a component of the SWPPP which outlines an inspection and maintenance schedule for the proposed Best Management Practices (BMPs). Provide name and phone number of program preparer.

Part C: Provide the name and phone numbers of the responsible party or parties designated to insure compliance with all elements of the General Permit and SWPPP.

SECTION IX--VICINITY MAP AND FEE

Provide a "to scale" or "to approximate scale" drawing of the construction site and the immediate surrounding area. Whenever possible, limit the map to an 8.5" x 11' or 11" x 17" sheet of paper. At a minimum, the map must show the site perimeter, the geographic features surrounding the site, and general topography, and a north arrow. The map must also include the location of the construction project in relation to named streets, roads, intersections, or landmarks. A NOI containing a map which does not clearly indicate the location of the construction project will be rejected. Do not submit blueprints unless they meet the above referenced size limits.

SECTION X--CERTIFICATIONS

This section must be completed by the owner or signatory agent of the construction site*. The certification provides assurances that the NOI and vicinity map were completed in an accurate and complete fashion and with the knowledge that penalties exist for providing false information. Certification also requires the owner to comply with the provisions in the General Permit.

* For a corporation: a responsible corporate officer (or authorized individual). For a partnership or sole proprietorship: a general partner or the proprietor, respectively. For a municipality, State, Federal, or other public agency: either a principal executive officer, ranking elected official, or duly authorized representative.



State Water Resources Control Board
NOTICE OF INTENT
TO COMPLY WITH THE TERMS OF THE
GENERAL PERMIT TO DISCHARGE STORM WATER
ASSOCIATED WITH CONSTRUCTION ACTIVITY (WQ ORDER No. 99-08-DWQ)

Attachment 2



I. NOI STATUS (SEE INSTRUCTIONS)

MARK ONLY ONE ITEM	1. <input type="checkbox"/> New Construction	2. <input type="checkbox"/> Change of Information for WDID# <input type="text"/>
--------------------	--	--

II. PROPERTY OWNER

Name	Contact Person		
Mailing Address	Title		
City	State	Zip	Phone () --

III. DEVELOPER/CONTRACTOR INFORMATION

Developer/Contractor	Contact Person		
Mailing Address	Title		
City	State	Zip	Phone () --

IV. CONSTRUCTION PROJECT INFORMATION

Project Name		Site Contact Person	
Physical Address/Location		Latitude _____°	Longitude _____°
City (or nearest City)		County	
Zip		Site Phone Number () --	Emergency Phone Number () --
A. Total size of construction site area: _____ Acres	C. Percent of site imperviousness (including rooftops): Before Construction: _____% After Construction: _____%		D. Tract Number(s): _____
B. Total area to be disturbed: _____ Acres (% of total _____)			E. Mile Post Marker: _____
F. Is the construction site part of a larger common plan of development or sale? <input type="checkbox"/> YES <input type="checkbox"/> NO		G. Name of plan or development:	
H. Construction commencement date: ____/____/____		J. Projected construction dates: Complete grading: ____/____/____ Complete project: ____/____/____	
I. % of site to be mass graded: _____			
K. Type of Construction (Check all that apply): 1. <input type="checkbox"/> Residential 2. <input type="checkbox"/> Commercial 3. <input type="checkbox"/> Industrial 4. <input type="checkbox"/> Reconstruction 5. <input type="checkbox"/> Transportation 6. <input type="checkbox"/> Utility Description: _____ 7. <input type="checkbox"/> Other (Please List): _____			

V. BILLING INFORMATION

SEND BILL TO: <input type="checkbox"/> OWNER (as in II. above)	Name	Contact Person
<input checked="" type="checkbox"/> DEVELOPER (as in III. above)	Mailing Address	Phone/Fax
<input type="checkbox"/> OTHER (enter information at right)	City	State Zip

I. REGULATORY STATUS

- A. Has a local agency approved a required erosion/sediment control plan? ☐ YES ☐ NO
Does the erosion/sediment control plan address construction activities such as infrastructure and structures? ☐ YES ☐ NO
Name of local agency: _____ Phone: () --
Is this project or any part thereof, subject to conditions imposed under a CWA Section 404 permit of 401 Water Quality Certification? ☐ YES ☐ NO
If yes, provide details: _____

II. RECEIVING WATER INFORMATION

- A. Does the storm water runoff from the construction site discharge to (Check all that apply):
1. ☐ Indirectly to waters of the U.S.
2. ☐ Storm drain system - Enter owner's name: _____
3. ☐ Directly to waters of U.S. (e.g., river, lake, creek, stream, bay, ocean, etc.)
B. Name of receiving water: (river, lake, creek, stream, bay, ocean): _____

III. IMPLEMENTATION OF NPDES PERMIT REQUIREMENTS

- A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (check one)
☐ A SWPPP has been prepared for this facility and is available for review: Date Prepared: ____/____/____ Date Amended: ____/____/____
☐ A SWPPP will be prepared and ready for review by (enter date): ____/____/____
☐ A tentative schedule has been included in the SWPPP for activities such as grading, street construction, home construction, etc.
B. MONITORING PROGRAM
☐ A monitoring and maintenance schedule has been developed that includes inspection of the construction BMPs before anticipated storm events and after actual storm events and is available for review.
If checked above: A qualified person has been assigned responsibility for pre-storm and post-storm BMP inspections to identify effectiveness and necessary repairs or design changes. ☐ YES ☐ NO
Name: _____ Phone: () --
C. PERMIT COMPLIANCE RESPONSIBILITY
A qualified person has been assigned responsibility to ensure full compliance with the Permit, and to implement all elements of the Storm Water Pollution Prevention Plan including:
1. Preparing an annual compliance evaluation. ☐ YES ☐ NO
Name: _____ Phone: () --
2. Eliminating all unauthorized discharges. ☐ YES ☐ NO

IX. VICINITY MAP AND FEE (must show site location in relation to nearest named streets, intersections, etc.)

- Have you included a vicinity map with this submittal? ☐ YES ☐ NO
Have you included payment of the annual fee with this submittal? ☐ YES ☐ NO

X. CERTIFICATIONS

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan will be complied with."

Printed Name: _____
Signature: _____ Date: _____
Title: _____

ATTACHMENT 3

303d Listed Water Bodies for Sedimentation

REGION	WATER BODY NAME	CODE	POLLUTANT
1	MATTOLE RIVER	1100	Sedimentation/Siltation
1	TRINITY RIVER, SOUTH FORK	1100	Sedimentation/Siltation
1	REDWOOD CREEK	1100	Sedimentation/Siltation
1	MAD RIVER	1100	Sedimentation/Siltation
1	ELK RIVER	1100	Sedimentation/Siltation
1	EEL RIVER, SOUTH FORK	1100	Sedimentation/Siltation
1	EEL RIVER, NORTH FORK	1100	Sedimentation/Siltation
1	TRINITY RIVER	1100	Sedimentation/Siltation
1	EEL RIVER, MIDDLE FORK	1100	Sedimentation/Siltation
1	MAD RIVER	2500	Turbidity
1	TEN MILE RIVER	1100	Sedimentation/Siltation
1	NOYO RIVER	1100	Sedimentation/Siltation
1	BIG RIVER	1100	Sedimentation/Siltation
1	ALBION RIVER	1100	Sedimentation/Siltation
1	NAVARRO RIVER	1100	Sedimentation/Siltation
1	GARCIA RIVER	1100	Sedimentation/Siltation
1	GUALALA RIVER	1100	Sedimentation/Siltation
1	RUSSIAN RIVER	1100	Sedimentation/Siltation
1	TOMKI CREEK	1100	Sedimentation/Siltation
1	VAN DUZEN RIVER	1100	Sedimentation/Siltation
1	EEL RIVER DELTA	1100	Sedimentation/Siltation
1	EEL RIVER, MIDDLE MAIN FORK	1100	Sedimentation/Siltation
1	ESTERO AMERICANO	1100	Sedimentation/Siltation
1	NAVARRO RIVER DELTA	1100	Sedimentation/Siltation
1	EEL RIVER, UPPER MAIN FORK	1100	Sedimentation/Siltation
1	FRESHWATER CREEK	1100	Sedimentation/Siltation
1	SCOTT RIVER	1100	Sedimentation/Siltation
2	TOMALES BAY	1100	Sedimentation/Siltation
2	NAPA RIVER	1100	Sedimentation/Siltation
2	SONOMA CREEK	1100	Sedimentation/Siltation
2	PETALUMA RIVER	1100	Sedimentation/Siltation
2	LAGUNITAS CREEK	1100	Sedimentation/Siltation
2	WALKER CREEK	1100	Sedimentation/Siltation

2	SAN GREGORIO CREEK	1100	Sedimentation/Siltation
2	SAN FRANCISQUITO CREEK	1100	Sedimentation/Siltation
2	PESCADERO CREEK (REG 2)	1100	Sedimentation/Siltation
2	BUTANO CREEK	1100	Sedimentation/Siltation
3	MORRO BAY	1100	Sedimentation/Siltation
3	SAN LORENZO RIVER ESTUARY	1100	Sedimentation/Siltation
3	SHINGLE MILL CREEK	1100	Sedimentation/Siltation
3	MOSS LANDING HARBOR	1100	Sedimentation/Siltation
3	WATSONVILLE SLOUGH	1100	Sedimentation/Siltation
3	SAN LORENZO RIVER	1100	Sedimentation/Siltation
3	ELKHORN SLOUGH	1100	Sedimentation/Siltation
3	SALINAS RIVER LAGOON (NORTH)	1100	Sedimentation/Siltation
3	GOLETA SLOUGH/ESTUARY	1100	Sedimentation/Siltation
3	CARPINTERIA MARSH (EL ESTERO MARSH)	1100	Sedimentation/Siltation
3	LOMPICO CREEK	1100	Sedimentation/Siltation
3	MORO COJO SLOUGH	1100	Sedimentation/Siltation
3	VALENCIA CREEK	1100	Sedimentation/Siltation
3	PAJARO RIVER	1100	Sedimentation/Siltation
3	RIDER GULCH CREEK	1100	Sedimentation/Siltation
3	LLAGAS CREEK	1100	Sedimentation/Siltation
3	SAN BENITO RIVER	1100	Sedimentation/Siltation
3	SALINAS RIVER	1100	Sedimentation/Siltation
3	CHORRO CREEK	1100	Sedimentation/Siltation
3	LOS OSOS CREEK	1100	Sedimentation/Siltation
3	SANTA YNEZ RIVER	1100	Sedimentation/Siltation
3	SAN ANTONIO CREEK (SANTA BARBARA COUNTY)	1100	Sedimentation/Siltation
3	CARBONERA CREEK	1100	Sedimentation/Siltation
3	SOQUEL LAGOON	1100	Sedimentation/Siltation
3	APTOS CREEK	1100	Sedimentation/Siltation
4	MUGU LAGOON	1100	Sedimentation/Siltation
5	HUMBUG CREEK	1100	Sedimentation/Siltation
5	PANOCHÉ CREEK	1100	Sedimentation/Siltation
5	FALL RIVER (PIT)	1100	Sedimentation/Siltation
6	BEAR CREEK (R6)	1100	Sedimentation/Siltation
6	MILL CREEK (3)	1100	Sedimentation/Siltation
6	HORSESHOE LAKE (2)	1100	Sedimentation/Siltation

C	6	BRIDGEPORT RES	1100	Sedimentation/Siltation
	6	TOPAZ LAKE	1100	Sedimentation/Siltation
	6	LAKE TAHOE	1100	Sedimentation/Siltation
	6	PINE CREEK (2)	1100	Sedimentation/Siltation
	6	TRUCKEE RIVER	1100	Sedimentation/Siltation
	6	CLEARWATER CREEK	1100	Sedimentation/Siltation
	6	GRAY CREEK (R6)	1100	Sedimentation/Siltation
	6	WARD CREEK	1100	Sedimentation/Siltation
	6	BLACKWOOD CREEK	1100	Sedimentation/Siltation
	6	GOODALE CREEK	1100	Sedimentation/Siltation
	6	EAST WALKER RIVER	1100	Sedimentation/Siltation
	6	HEAVENLY VALLEY CREEK	1100	Sedimentation/Siltation
	6	WOLF CREEK (1)	1100	Sedimentation/Siltation
	6	WEST WALKER RIVER	1100	Sedimentation/Siltation
	6	HOT SPRINGS CANYON CREEK	1100	Sedimentation/Siltation
	6	BRONCO CREEK	1100	Sedimentation/Siltation
	6	SQUAW CREEK	1100	Sedimentation/Siltation
	7	IMPERIAL VALLEY DRAINS	1100	Sedimentation/Siltation
C	7	NEW RIVER (R7)	1100	Sedimentation/Siltation
	7	ALAMO RIVER	1100	Sedimentation/Siltation
	8	SAN DIEGO CREEK, REACH 1	1100	Sedimentation/Siltation
	8	RATHBONE (RATHBUN) CREEK	1100	Sedimentation/Siltation
	8	SAN DIEGO CREEK, REACH 2	1100	Sedimentation/Siltation
	8	UPPER NEWPORT BAY ECOLOGICAL RESERVE	1100	Sedimentation/Siltation
	8	BIG BEAR LAKE	1100	Sedimentation/Siltation
	8	ELSINORE, LAKE	1100	Sedimentation/Siltation
	9	SAN ELIJO LAGOON	1100	Sedimentation/Siltation
	9	LOS PENASQUITOS LAGOON	1100	Sedimentation/Siltation
	9	AGUA HEDIONDA LAGOON	1100	Sedimentation/Siltation
	9	BUENA VISTA LAGOON	1100	Sedimentation/Siltation

**NEW OWNER INFORMATION AND
CHANGE OF INFORMATION (COI) FORM FOR THE
GENERAL CONSTRUCTION PERMIT NO. CAS000002**

Owners Name: _____
 WDID No.: _____
 Prepared By: _____

Date: _____
 Date of Last NOI Change: _____
 Signature of Preparer: _____

	Area Transferred (acres) ¹ column 1	Area Remaining (acres) ² column 2	Lot/Tract Numbers Transferred	Contact Person and Company Name of New Owner(s)	Address(es) of the New Owner(s)	Phone # of New Owner	Is Const/Post Construction Complete? Yes/No	Date of Ownership Transfer
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

Use approximate area (in acres) if no exact figure is available.

Calculate running total in this column as follows:

Enter in column 2, line 1, the area from NOI minus the area in column 1.

Enter in column 2, line 2, the area in column 2, line 1, minus the area in line 2, column 1.

Enter in column 2, line 3, the area in column 2, line 2, minus the area in line 3, column 1, and so forth.

AREAS OF THE STATE IN WHICH THE \$250.00 ANNUAL FEE APPLIES

Alameda County: The entire county except for the area east of **Altamont Pass**.

Contra Costa County: The entire county.

El Dorado County: The area draining into **Lake Tahoe**.

Fresno County: The cities of **Clovis** and **Fresno** and unincorporated areas for the County within the city limits of **Fresno/Clovis**.

Kern County: The city of **Bakersfield** and unincorporated areas of the County within the city limits.

Los Angeles County: The entire county except for the cities of **Avalon, Lancaster, Palmdale**, and areas with zip codes 93523, 93534, 93535, 93536, 93543, 93544, 93550, 93551, 93553, 93560, and 93563.

Orange County: The entire county.

Placer County: The area draining into **Lake Tahoe**.

Riverside County: The entire county except for the area east of the **Santa Ana Regional Board** boundary line (this area is east of the mountain crest and does not drain into the Pacific Ocean) and the **Coachella Valley**.

Sacramento County: The entire county except for the city of **Isleton**.

San Bernardino County: The entire county except for the area north and east of the **Santa Ana Regional Board** boundary line (this area is north and east of the mountain crest and does not drain into the Pacific Ocean).

San Diego County: The entire county except for the area east of the **San Diego Regional Board** boundary line (this area is east of the mountain crest and does not drain into the Pacific Ocean).

San Mateo County: The entire county.

Santa Clara County: The entire county except for the area south of and including the city of **Morgan Hill** (this area does not drain into **South San Francisco Bay**).

Solano County: The cities of **Fairfield, Suisun City and Vallejo City**

Sonoma County: The city of **Santa Rosa**.

Stanislaus County: The city of **Modesto** and unincorporated areas within the city limits.

Ventura County: The entire county.

G

Freeborn & Peters

February 18, 2002

Antal Szijj
U.S. Army Corps of Engineers
Seven Oaks Dam Office
32330 Santa Ana Canyon Road
Highland, CA 92346

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Redlands Industrial Spur in Redlands, California***

Dear Mr. Szijj:

The Burlington Northern and Santa Fe Railway Company ("BNSF") plans to file an exemption to abandon its line of railroad between (Milepost 9.48) and (Milepost 11.40) of its Redlands Industrial Spur in Redlands, California, a distance of 1.92 miles in the near future.

As part of the environmental report BNSF needs to know whether or not Section 404 permits are required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information as soon as possible. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

Chicago

Springfield

Freeborn & Peters

November 21, 2001

Antal Szijj
U.S. Army Corps of Engineers
Seven Oaks Dam Office
32330 Santa Ana Canyon Road
Highland, CA 92346

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Redlands Industrial Spur in Redlands, California***

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

Dear Mr. Szijj:

The Burlington Northern and Santa Fe Railway Company ("BNSF") plans to file an exemption to abandon its line of railroad between (Milepost 9.48) and (Milepost 11.40) of its Redlands Industrial Spur in Redlands, California, a distance of 1.92 miles in the near future.

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Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

Freeborn & Peters

May 14, 2001

John Gill
U.S. Army Corps of Engineers
Los Angeles District
P.O. Box 532711
Los Angeles, California 90053

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Redlands Industrial Spur in Redlands, California***

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Litigation Clerk
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

Dear Mr. Gill:

The Burlington Northern and Santa Fe Railway Company ("BNSF") plans to file an exemption to abandon its line of railroad between (Milepost 9.48) and (Milepost 11.40) of its Redlands Industrial Spur in Redlands, California, a distance of 1.92 miles in the near future.

As part of the environmental report BNSF needs to know whether or not Section 402 and/or 404 permits are required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information as soon as possible. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

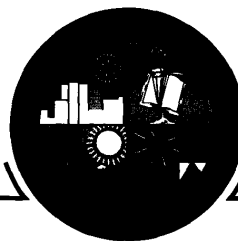
Sincerely,


Brian Nettles

/bn
Enclosure

H

City of Redlands



December 14, 2001

Brian Nettles
Freeborn & Peters
311 South Wacker Dr., Ste. 3000
Chicago, Illinois 60606-667

RE: The Burlington Northern and Santa Fe Railway Company Abandonment of the
Redlands Industrial Spur in Redlands, California

Dear Brian:

The abandonment of the railway lines between Milepost 9.48 and Milepost 11.40 will not
affect the 100-year flood plains.

If you have any further questions, please contact me at (909) 798-7536.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Pepper".

Richard Pepper
Chief Building Official

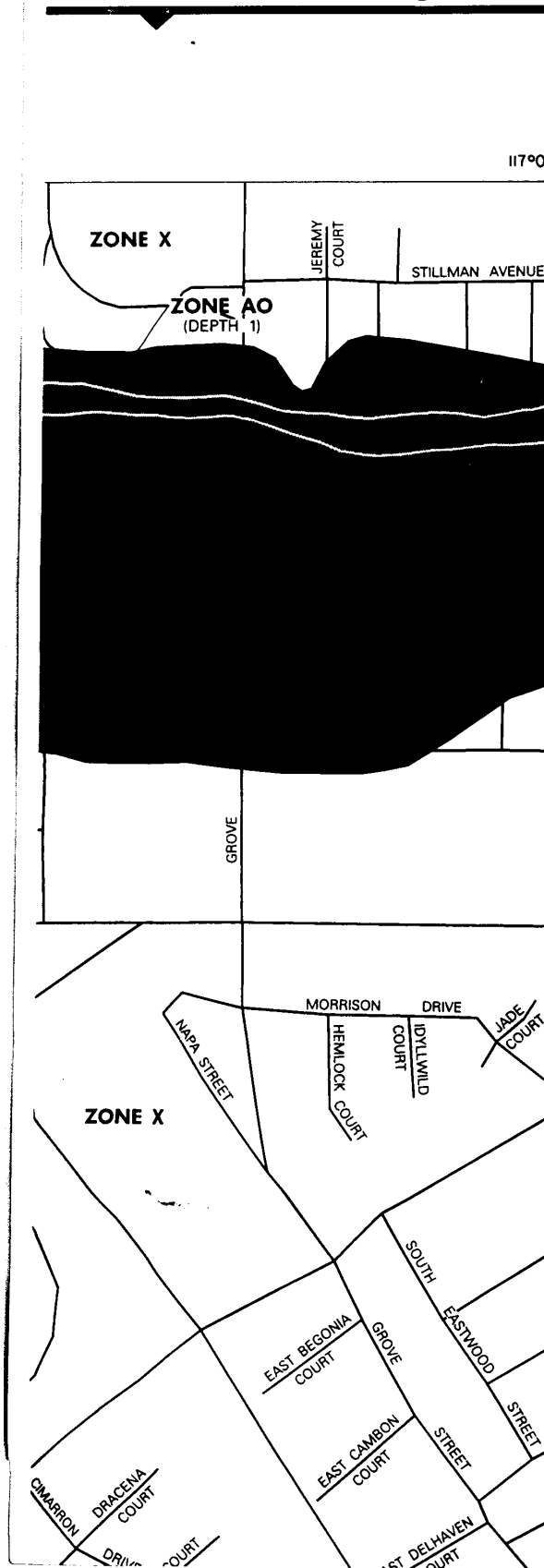
Enclosed maps.

P.O. BOX 3005

•

REDLANDS, CA 92373





LEGEND



SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD

ZONE A No base flood elevations determined.

ZONE AE Base flood elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

ZONE A99 To be protected from 100-year flood by Federal flood protection system under construction; no base elevations determined.

ZONE V Coastal flood with velocity hazard (wave action); no base flood elevations determined.

ZONE VE Coastal flood with velocity hazard (wave action); base flood elevations determined.



FLOODWAY AREAS IN ZONE AE



OTHER FLOOD AREAS

ZONE X Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.



OTHER AREAS

ZONE X Areas determined to be outside 500-year floodplain.

ZONE D Areas in which flood hazards are undetermined.

UNDEVELOPED COASTAL BARRIERS



Identified
1983



Identified
1990



Otherwise
Protected Areas

Coastal barrier areas are normally located within or adjacent to Special Flood Hazard Areas.



Flood Boundary



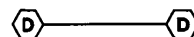
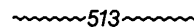
Floodway Boundary



Zone D Boundary



Boundary Dividing Special Flood Hazard Zones, and Boundary Dividing Areas of Different Coastal Base Flood Elevations Within Special Flood Hazard Zones.



(EL 987)

RM7

• M2

Base Flood Elevation Line; Elevation in Feet. See Map Index for Elevation Datum.

Cross Section Line

Base Flood Elevation in Feet Where Uniform Within Zone. See Map Index for Elevation Datum.

Elevation Reference Mark

River Mile

97°07'30", 32°22'30"

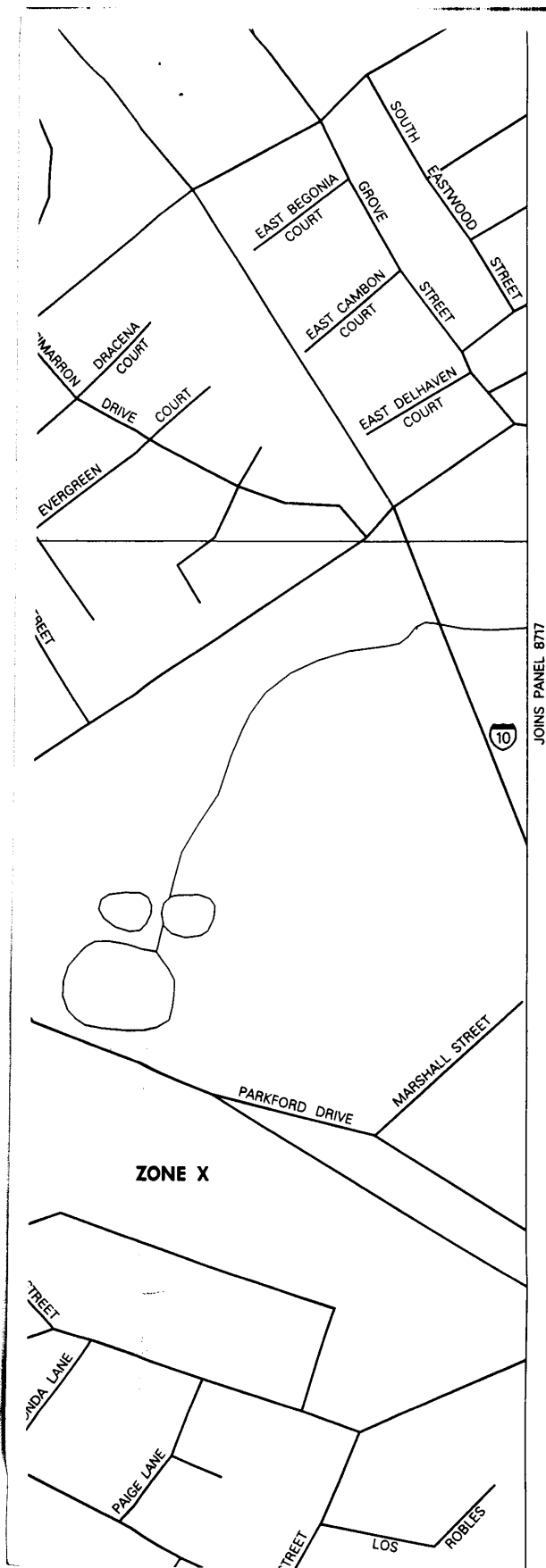
Horizontal Coordinates Based on North American Datum of 1927 (NAD 27) Projection.

NOTES

This map is for use in administering the National Flood Insurance Program; it does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size, or all planimetric features outside Special Flood Hazard Areas.

Coastal base flood elevations apply only landward of 0.0 NGVD, and include the effects of wave action; these elevations may also differ significantly from those developed by the National Weather Service for hurricane evacuation planning.

Areas of Special Flood Hazard (100-year flood) include Zones A, AE, AH, AO, A99, V, and VE.



(EL 987)

RM7 X

• M2

97°07'30", 32°22'30"

Cross Section Line

Base Flood Elevation in Feet
Where Uniform Within Zone.
See Map Index for Elevation Datum.

Elevation Reference Mark

River Mile

Horizontal Coordinates Based on North
American Datum of 1927 (NAD 27)
Projection.

NOTES

This map is for use in administering the National Flood Insurance Program; it does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size, or all planimetric features outside Special Flood Hazard Areas.

Coastal base flood elevations apply only landward of 0.0 NGVD, and include the effects of wave action; these elevations may also differ significantly from those developed by the National Weather Service for hurricane evacuation planning.

Areas of Special Flood Hazard (100-year flood) include Zones A, AE, AH, AO, A99, V, and VE.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the Federal Emergency Management Agency.

Floodway widths in some areas may be too narrow to show to scale. Floodway widths are provided in the Flood Insurance Study Report.

This map may incorporate approximate boundaries of Coastal Barrier Resource System Units and/or Otherwise Protected Areas established under the Coastal Barrier Improvement Act of 1990 (PL 101-591).

Corporate limits shown are current as of the date of this map. The user should contact appropriate community officials to determine if corporate limits have changed subsequent to the issuance of this map.

For community map revision history prior to countywide mapping, see Section 6.0 of the Flood Insurance Study Report.

For adjoining map panels and base map source see separately printed Map Index.

MAP REPOSITORY

Refer to Repository Listing on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP:

MARCH 18, 1996

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL:

Refer to the FLOOD INSURANCE RATE MAP EFFECTIVE DATE shown on this map to determine when actuarial rates apply to structures in zones where elevations or depths have been established.

To determine if flood insurance is available, contact an insurance agent or call the National Flood Insurance Program at (800) 638-6620.



APPROXIMATE SCALE IN FEET

500 0 500

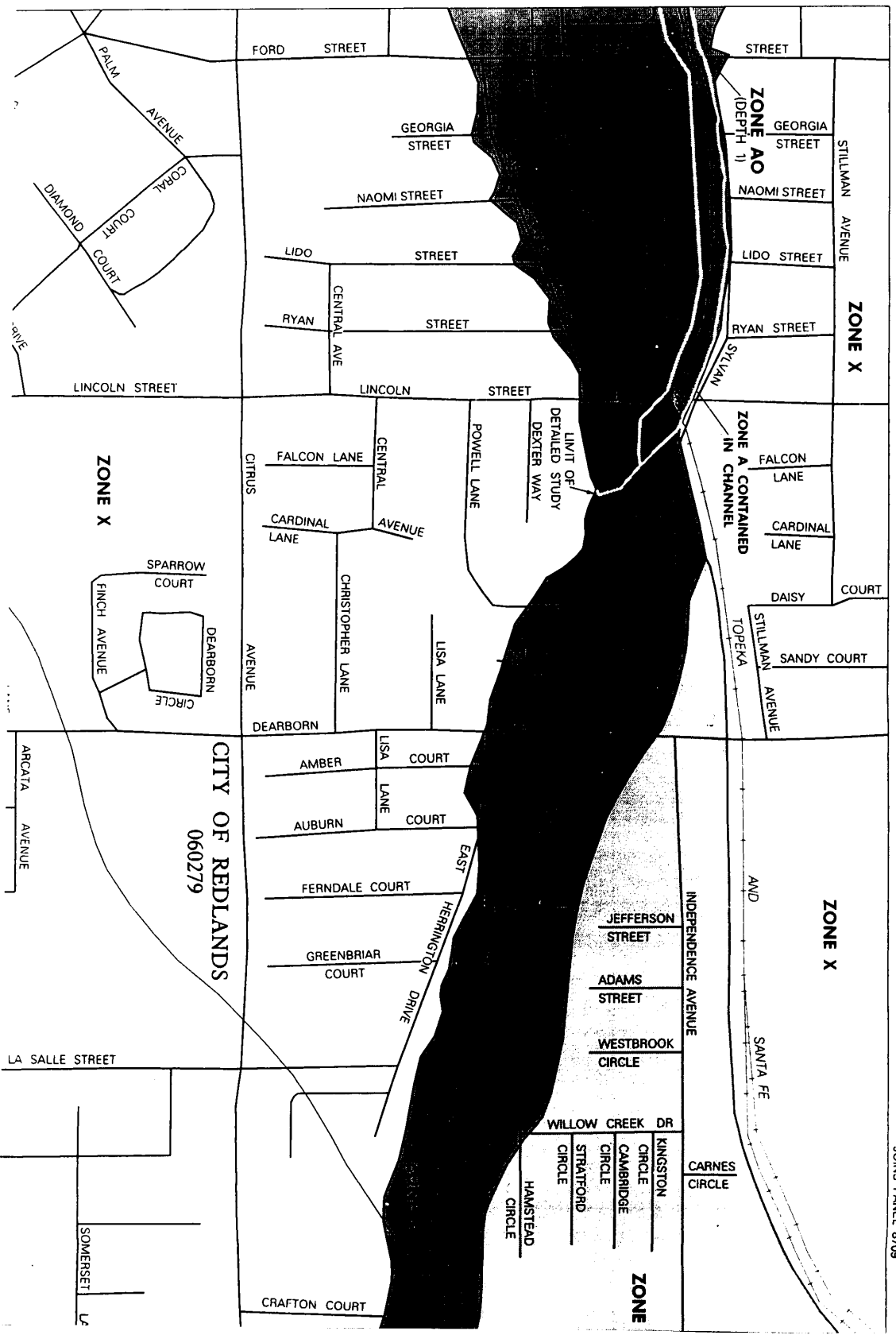
NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

MAP # 06071C. 8717
3/18/96

11790922"

JOINS PANEL 8709



JOINS PANEL 8/08

RM374

STILLMAN AVENUE

HIGH AVENUE

DIVISION STREET

ZONE AO
(DEPTH 3)

STILLMAN AVENUE

CHAPEL STREET

ZONE A

ZONE X

ZONE AO
(DEPTH 1)

JEREMY COURT

STILLMAN AVE

ZONE AO
(DEPTH 3)

AVENUE

ZONE X

CERO COURT

GROVE

AVENUE

UNIVERSITY PLACE

DMORE COURT

ZONE X

NAPA STREET

MORRISON DRIVE

HEMLOCK COURT

COURT

IDYLLWILD

JADE CC

MAP # 06071C8716 F
3/18/96

LEG

LIME STP

LYTLE

ARCHAEOLOGICAL INFORMATION CENTER
San Bernardino County Museum
2024 Orange Tree Lane (909) 307-2669 x 255
Redlands, CA 92374 FAX (909) 307-0689
rlaska@sbcm.co.san-bernardino.ca.us



San Bernardino
County

30 August 2001

Dear Mr. Nettles,

Enclosed is the records search you requested. An archaeologist will be needed to survey and record all the resources along the spur line, and I have enclosed a referral list of archaeologists who are qualified to work in this area of California. The railroad spur you will be abandoning is a historic property as are the sidings and related structures along it. The railroad has a trinomial, but the sidings, water tanks and related buildings have not been recorded and need to be since they will be adversely impacted.

One of the resources which will be impacted is the Zanja, the original 1819 water ditch still in use today which is listed on the National Register and is a California Historic Landmark. The local area contains many more properties which are Historic Landmarks, Points of Historic Interest and National Register Properties. The City of Redlands is very active in historic preservation.

If you have any further questions, please, call me at (909) 307-2669 x255 Monday through Friday between 8 AM & 4 PM. Have a great day!

Sincerely,

A handwritten signature in black ink that reads "Robin E. Laska". The signature is written in a cursive style with a large, looping initial "R".

Robin E. Laska
Assistant Coordinator

ARCHAEOLOGICAL INFORMATION CENTER
San Bernardino County Museum
2024 Orange Tree Lane (909) 307-2669 x 255
Redlands, CA 92374 FAX (909) 307-0689
rlaska@sbcm.sbcounty.gov



San Bernardino
County

30 August 2001

Brian Nettles
Freeborn & Peters
311 S. Wacker Dr.
Suite 3000
Chicago, IL 60606-667

(312) 360-6000

HISTORICAL RESOURCES RECORD SEARCH: BNSF Abandonment of Redlands Spur

In response to your request for information dated 23 August 2001, a record search has been conducted for the above project on USGS Redlands 7.5' quad.

Historical Resources:

Prehistoric Archaeological Resources:

- 1 prehistoric archaeological sites
- 0 pending prehistoric archaeological sites
- 0 prehistoric isolates

Historic Archaeological Resources (sites older than 50 years of age):

- 3 historic archaeological sites
- 0 pending historic archaeological sites
- 0 historic isolates
- 0 pending historic structures
- 10+ possible historic structure/archaeological site locations determined from historic maps (maps checked): Thompson, 1917/20; Beasley, 1892; Blackburn, 1932; Hall, 1888; Lippencott, 1898; AAA-various; USGS Redlands, 1898/9; 1939; 1954; Official Railroad Map of CA, 1926; Map of Rancho San Bernardino.

Cultural Landscapes:

- 0 cultural Landscapes

Ethnic Resources:

- 0 ethnic resources

Heritage Properties (designated by State and Federal commissions):

- 1 National Register Listed Properties
- 0 National Register Eligible Properties
- 1 California Register of Historic Resources
- 1 California Historic Landmarks
- 0 California Points of Historic Interest

PREVIOUS HISTORICAL RESOURCE INVESTIGATIONS:

Historical resource reports for the project area include:

- 3 Area-specific survey reports
- 4 General area overviews

In addition to the Center's historical resources files, the following publications, manuscripts or correspondence also were consulted:

American Association for State and Local History

- 1989 National Register of Historic Places, 1966-1988. Nashville, TN.

California Office of Historic Preservation

- 1986 Survey of Surveys: A Summary of California's Historical and Architectural Resource Surveys.
- 1988 Five Views: An Ethnic Sites Survey for California.
- 1997 California Historical Landmarks.
- 1992 California Points of Historical Interest.
- 2001 Listing of National Register Properties--Records entered into the OHP computer file--received quarterly.
- 2001 Inventory of Historic Structures--Records entered into the OHP computer file of historic resources--received quarterly.

San Bernardino County Museum

- 1980 Historical Landmarks of San Bernardino County. Quarterly of the San Bernardino County Museum Association 28(1-2).

SENSITIVITY OF PROJECT AREA FOR HISTORICAL RESOURCES:

Based upon the above information, available historical records and maps, and comparisons with similar environmental localities, the sensitivity assessment for this project area is:

Prehistoric Archaeological Resources	High
Historic Archaeological Resources	High
Historic Resources	High
Cultural Landscapes	Unknown
Ethnic Resources	Unknown

Comments: Potential for all types of resources based on sites found in and surrounding the APE. APE is within the historic Rancho San Bernardino.

RECOMMENDATIONS:

1. A field survey should be conducted by a qualified professional for historical resources within portions of the project area not previously surveyed for such resources.
2. Contact the San Bernardino County Archives for information on historical property records. Contact them at 777 E. Rialto Ave., San Bernardino, CA 92415-0795, or call for an appointment (909) 387-2030.
3. Contact the Native American Heritage Commission for information regarding sacred lands. Contact the Commission at 915 Capitol Mall, Room 364, Sacramento, CA 95814 or (916) 653-4082.
4. Inventory all historical resources, including archaeological and historic resources older than 50 years, using appropriate State record forms, following guidelines in the California Office of Historic Preservation's handbook "Instructions for Recording Historical Resources". Submit two (2) copies of the completed forms to the San Bernardino County Archaeological Information Center for the assignment of trinomials.
5. Evaluate the significance and integrity of all historical resources within the project area, using criteria established in Appendix K of the CEQA Guidelines for important archaeological resources and/or 36 CFR 60.4 for eligibility for listing on the National Register of Historic Places.
6. Propose mitigation measures, and recommend condition of approval (if a local government action), to eliminate adverse project effects to significant, important and unique historical resources, following appropriate CEQA and/or National Historic Preservation Act--Section 106 guidelines.
7. Prepare a technical resources management report, documenting the inventory, evaluation and proposed mitigation of resources within the project area (following guidelines for Archaeological Resource Management Reports prepared by the California Office of Historic Preservation, Preservation Planning Bulletin 4(a), December 1989). Submit one copy of the completed report (with original illustrations) to the San Bernardino County Archaeological Information Center for permanent archiving.

A CEQA Initial Study of "MAYBE" for potential adverse environmental impact to historical resources is warranted unless it can be documented by a qualified professional that NO resources older than 45 years in age exist on the property. Implementation of the above recommendations will ensure that existing historical resources will be inventoried and evaluated, and that appropriate mitigation measures will be recommended to avoid adverse impacts.

If appropriate mitigation measures are not proposed for significant historical resources within the project area, then subsequent destruction of these resources may violate the California Environmental Quality Act, National Environmental Policy Act, National Historic Preservation Act, California codes or various local government ordinances.

If prehistoric or historic artifacts over 50 years in age are encountered during land modification, then activities in the immediate area of the finds should be halted and an on-site inspection should be performed immediately by a qualified archaeologist. This professional will be able to assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act and/or the Federal National Environmental Policy Act.

If human remains are encountered on the property, then the San Bernardino County Coroner's Office **MUST** be contacted within 24 hours of the find, and all work should be halted until a clearance is given by that office and any other involved agencies. Contact the County Coroner at 175 South Lena Road, San Bernardino, CA 92415-0037 or (909) 387-2543.

The County of San Bernardino requests that historical resource data and artifacts collected within this project area be permanently curated at a repository within the County. Per a State Historical Resources Commission motion dated 7 Feb 1992, the repository selected should consider 36 CFR 79, Curation of Federally-owned and Administered Archaeological Collection; Final Rule, as published Federal Register, 12 Sept 1990, or a later amended for, for archival collection standards.

If you have any further questions, please, contact me at (909) 307-2669 x 255, Monday through Friday between 8 AM and 4 PM.



Robin E. Laska
Assistant Center Coordinator

ARCHAEOLOGICAL INFORMATION CENTER
 San Bernardino County Museum
 2024 Orange Tree Lane (909) 307-2669 x 255
 Redlands, CA 92374 FAX (909) 307-0689
 (Inland Empire, CA) San Bernardino County



San Bernardino
 County

REFERRAL LIST FOR HISTORICAL RESOURCES CONSULTANTS

This is a partial, alphabetically ordered list of individuals, firms and institutions which meet minimum qualifications to perform identification, evaluation, registration and treatment activities within the profession under which they are listed, in compliance with federal and state environmental laws. It is composed of all individuals who have requested listing by this Information Center and who have satisfactorily documented that they meet the Secretary of the Interior's Standards for that profession. Inclusion on this list is determined solely on this evaluation and not on a review of current work.

The Information Center provides a copy of this list without charge when field inspection is recommended or upon request.

This list has been prepared in accordance with guidelines stipulated by the State. Inclusion on this list does not constitute endorsement or recommendation by the State or the Information Center.

Questions regarding the Referral List may be directed to John Thomas, Staff Archaeologist, or Jan Wooley, Staff Historian, Coordinators of the California Historical Resources Information System, Office of Historic Preservation, at (916) 653-6624.

When requesting archaeological field work be accomplished, it is suggested that reports be written in conformance with "Archaeological Resource Management Reports (ARMR): Recommended Contents and Format," Planning Bulletin Number 4 (a) or appropriate federal standards. This bulletin may be requested through the Information Center or the Office of Historic Preservation.

If you have any further questions, please, call me at (909) 307-2669 x255 Monday through Friday between 8 AM & 4 PM. Have a great day!

Robin E. Laska
 Assistant Coordinator

Handwritten note: BEST-Call 3 The Referrals - They will need to call the Heritage Commission Secretary to get it.

ARCHAEOLOGY & HISTORY

ALLIANCE: WHITE OAK ENVIRONMENTAL
 P.O. Box 1284
 San Jacinto, CA 92581-1284
 -Joseph Nixon
 E-mail: whiteoak@khan.com
 (909) 658-3007

APPLIED EARTHWORKS, INC
 3292 E. Florida Ave.
 Suite A
 Hemet, CA 92344-4941
 E-mail: earthworks@pe.net
 (909) 766-2000
 FAX (909) 766-0020

-Susan K. Goldberg
 -Kevin Haloran
 -M. Colleen Hamilton
 -Melinda Horne
 -Dr. Joseph M. Nixon
 -Jill Onken
 -Lex Palmer
 -Mark C. Robinson
 -Marilyn Wysz

ARCHAEOLOGICAL ADVISORY GROUP
 P.O. Box 491
 Placerville, CA 92268-0491
 -James P. Brock
 E-mail: archadvgrp@aol.com
 (760) 228-1142
 FAX (760) 369-4002

ARCHAEOLOGICAL ASSOCIATES
 P.O. Box 180
 Sun City, CA 92586
 -Laurie S. White
 (909) 244-1783
 FAX (909) 244-0084

ARCHAEOLOGICAL CONSULTING SERVICES
 P.O. Box 39
 13826 Pollard Dr.
 Lytle Creek, CA 92358
 -John Stephen Alexandrowicz
 E-mail: Alexarcheo@aol.com
 (909) 887-0795
 FAX (909) 887-0795

ARCHAEOLOGICAL RESEARCH UNIT (ARU)
 1313 Watkins Hall
 University of California, Riverside
 Riverside, CA 92521
 -Dr. Matt Hall
 (909) 787-3885
 FAX (909) 787-5409

ASM AFFILIATES
 543 Encinitas Blvd, STE 114
 Encinitas, CA 92024
 -Dr. Brian F. Byrd
 -James Elginney
 -Bard Giacometti
 -Drew Pallette
 -Dr. Seetha N. Reddy
 (760) 632-1094
 FAX (760) 632-0913

-Dr. Jerry Schaefer
-Kenneth D. Victorino

BC ENTERPRISES
11278 Los Alamitos Blvd., #179
Los Alamitos, CA 90720
-Dr. Marie Cottrell

1-800-641-4655

CENTER FOR ARCHAEOLOGICAL RESEARCH
CSU Bakersfield
9001 Stockdale Highway
Bakersfield, CA 93311-1099
-Dr. Mark Q. Sutton
-Robert E. Parr

(661)664-2476
FAX(661)664-2143

PAUL G. CHACE & ASSOCIATES
1823 Kenora Drive
Escondido, CA 92027
-Dr. Paul G. Chace

(760)743-8609

CHAMBERS GROUP, INC.
17671 Cowan Ave., STE 100
Irvine, CA 92614
-Roger Mason

(949)261-5414

COMPASS ROSE
6206 Peach Ave.
Van Nuys, CA 91411
-John Romani

(818) 989-0656

CRM TECH
2411 Sunset Drive
Riverside, CA 92506
-Dr. Bruce Love
-Dr. Michael Hogan
-Bai Tom Tang

(909)784-3051
FAX(909)784-2987
E-mail crmtech@pe.net

ECCOR CONSULTING, INC.
2100 Embarcadero St., Suite 205
Oakland, CA 94606
-Mitchell Childress

(510)434-0150
FAX(510)434-0155
E-mail mchildress@eccorconsulting.com

EXPRESS ARCHAEOLOGICAL SOLUTIONS
200 S. Monterey Rd., STE C
S. Pasadena, CA 91030
-David E. Wroblewski

(323)257-3848
FAX (323)257-3848
E-mail arklogst@earthlink.net

PAR WESTERN ANTHROPOLOGICAL RESEARCH GROUP, INC.
P.O. Box 413
Davis, CA 95617 or

(530)756-1941
FAX(530)756-0811
E-mail fwarg@parwestern.com

P.O. Box 9982
Reno, NV 89507

(775) 786-9780

-Bill Hildebrandt
-Amy Gilbreath
-Pat Mikkelsen
-Kelly McGuire
-Eric Wohlgenuth
-Sharon Waechter
-Dr. Randy Milliken

GREENWOOD & ASSOCIATES
725 Jacon Way
Pacific Palisades, CA 90272
-Robert Greenwood
-John M. Foster
-Alice Hale
-Judith Ranson

(310)454-3091
FAX(310)454-3091
E-mail rgreenwood@aol.com

MATHENAY & ASSOCIATES
P.O. Box 3246
Crestline, CA 92325
-Roger Mathenay

(909)338-0027
FAX(909)338-0027
E-mail fogym@earthlink.net

HISTORICAL ENVIRONMENTAL ARCHAEOLOGICAL RESEARCH TEAM (HEART)
8701 Lava Place
West Hills, CA 91304-2126
-Robert Wlodarski

(818)340-6676
FAX(818)340-6676
E-mail Robanne@ix.netcom.com

HUDLOW CULTURAL RESOURCE ASSOCIATES
6312 Castelpointe Street
Bakersfield, CA 93313
-Scott M. Hudlow

(661)834-9183
FAX(661)834-3989
E-mail Shudlow@aol.com

JONES & STOKES
2600 V Street, Suite 100
Sacramento, CA 95818
-Sara Archuleta
-Shalira Ashkar
-Mark Bowen
-Madeline Lanz
-Susan Lassell
-Dana McGowan
-Michael McGuire
-James Nelson
-Barry Scott
-Stacy Schneider

(916)737-3000
FAX(916)737-3030
E-mail www.jonesandstokes.com

LSA
One Park Plaza, Suite 500
Irvine, CA 92614
-Kathleen Bergin
-Ivan H. Strudwick

(949)553-0666
FAX(949)553-0076

KYLE CONSULTING
2495 Bartel Place
San Diego, CA 92123
-Carolyn Kyle
(658) 569-0534
FAX (658) 569-9150

McKENNA ET AL.
6008 Friends Ave.
Whittier, CA 90601
-Jeanette A. McKenna
(562) 696-3852
FAX (562) 693-4059
E-mail jcmkenna@earthlink.net

MOONEY & ASSOCIATES
9903-B Buinesspark Ave.
San Diego, CA 92131-1120
-Richard Carrico
-Rob Case
-Ted Cooley
-Bill Eckhardt
(858) 578-8964
FAX (858) 578-0578
E-mail rcarrico@bfma.com

PACT FORWARD
P.O. Box 201
Amador City, CA 95601
-R. Scott Barker
-Rebecca Allen
-Roman Beck
(209) 267-1532
E-mail prospector1@hotmail.com

PROFESSIONAL ARCHAEOLOGICAL SERVICES
1373D Via Camino Real
San Diego, CA 92128
-Dr. Philip de Barros
(858) 484-3478
(760) 744-1150x2343
E-mail pdebarros@palomar.edu

PACIFIC WEST ARCHAEOLOGY, INC.
P.O. Box 578
Julian, CA 92036-0578
-Brian Glenn
-Ron May
(760) 765-1289
FAX (760) 765-2989
E-mail www.pacificwestarch.com

PMW PALEO
23392 Madero, Suite L
Mission Viejo, CA 92691
-Ronald Bissell
-Joan Brown
-Sherril Gust
-Pat Maxon
(949) 770-8042
FAX (949) 458-9058
E-mail rmpaleo@postoffice.pchell.net

SCIENTIFIC RESOURCE SURVEYS, INC.
P.O. Box 2349
Temecula, CA 92593-2349
-Dr. Nancy A. Whitney-Desautels
(909) 767-2555
FAX (909) 767-0305

BRIAN F. SMITH & ASSOCIATES
14678 Ikea Ct.
San Diego, CA 92129
-Brian F. Smith
-Darryl J. Pierson
-Dr. Michelle Raven-Jennings
-Alex N. Kirtish
-R. Todd Baker
(619) 484-0915
FAX (619) 484-0988

STATISTICAL RESEARCH
P.O. Box 390
Redlands, CA 92373
-Dr. Donn Granda
-Dr. Richard Colek-Torrello
-Michael Lerch
-Christopher Doolittle
-Dr. Jane Rosenthal
-Anne Stoll
-Dr. Teresita Majewski
-Matt Blaschoff
-Matthew Steiner
(909) 335-1896
FAX (909) 335-0808
E-mail www.statcm.com

SUMMIT ENVIRONMENTAL SOLUTIONS
813 North Plaza St.
Carson City, NV 89701
-Dr. Kathryn Ataman
-Robert M. Harmon
(775) 888-8889
FAX (775) 785-8899

TETRA TECH, INC.
346 West Hospital City Lane, STE 300
San Bernardino, CA 92408-3216
-Fred Budinger
(909) 381-1674
FAX (909) 381-1391

WILLIAM SELF ASSOCIATES
P.O. Box 2192
Oxnard, CA 94563
-William D. Self
(925) 253-9070
FAX (510) 254-3553

ARCHITECTURAL HISTORY/HISTORIC ARCHITECTURE

ALLIANCE: WHITE OAK ENVIRONMENTAL
P.O. Box 1284
San Jacinto, CA 92581-1284

(909) 658-3007
E-mail whiteoak@roan.com

APPLIED EARTHWORKS
3292 E. Florida, Suite A
Hemet, CA 92344-4941

(909) 766-2000
FAX (909) 766-0020
E-mail earthworks@pe.net

ARCHAEOLOGICAL CONSULTING SERVICES
P.O. Box 39
13826 Pollard Dr.
Lytle Creek, CA 92358

(909) 887-0795
FAX (909) 887-0795
E-mail Alexarcheo@aol.com

ARCHITECTURAL RESOURCES GROUP
Pier 9, The Embarcadero
San Francisco, CA 94111

(415) 421-1680
FAX (415) 421-0127
E-mail steve@argsf.com

-Stephen Farneth
-Bruce D. Judd
-Neomi Miroglio
-M. Bridget Mailey
-David Wessell

LAUREN WEISS BRICKER
1405 Garden St.
Redlands, CA 92373

(909) 793-3759
E-mail LWBric@aol.com

PAUL G. CHACE & ASSOCIATES
1823 Kenora Drive
Escandido, CA 92027

(760) 743-8609

GREENWOOD & ASSOCIATES
725 Jacon Way
Pacific Palisades, CA 90272

(310) 454-3091
FAX (310) 454-3091
E-mail rsgreenwo@aol.com

HATHWAY & ASSOCIATES
P.O. Box 3246
Crestline, CA 92325

(909) 338-0027
FAX (909) 338-0027
E-mail foggy@earthlink.net

HUDLOW CULTURAL RESOURCE ASSOCIATES
6312 Castlepoint Street
Bakersfield, CA 93313

(661) 834-9183
FAX (661) 834-3989
E-mail Shudlow@aol.com

JONES & STOKES
2600 V Street, Suite 100
Sacramento, CA 95818

(916) 737-3000
FAX (916) 737-3030
E-mail www.jonesandstokes.com

-Janice Calpo
-Susan Lasseil
BRIAN F. SMITH & ASSOCIATES
14678 Ipeck Ct.
San Diego, CA 92129

(619) 484-0915
FAX (619) 484-0988

-Brian F. Smith
-Larry J. Pierson

AREA-SPECIFIC BIBLIOGRAPHY

Document No.: 1060006
RUMBLE, JOSEPHINE R.

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Cataloged by: WRO-CA-03 on 10/26/1988

Document No.: 1061490

Unpublished Report

LERCH, MICHAEL K. AND EDWARD B. WEIL

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Cataloged by: WRO-CA-03 on 05/22/1989

Document No.: 1061783

Unpublished Report

HORNBECK, DAVID AND HOWARD BOTTS

1988 SEVEN OAKS DAM PROJECT: WATER SYSTEMS. AREA LOCATION SYSTEMS. SUBMITTED TO U.S. ARMY CORPS OF ENGINEERS. CONTRACT NO. DACW09-86-D-0034. UNPUBLISHED REPORT ON FILE AT S.B. CO. MUSEUM, 2024 ORANGE TREE LANE, REDLANDS, CA 92374.

Last Update: 06/29/1989

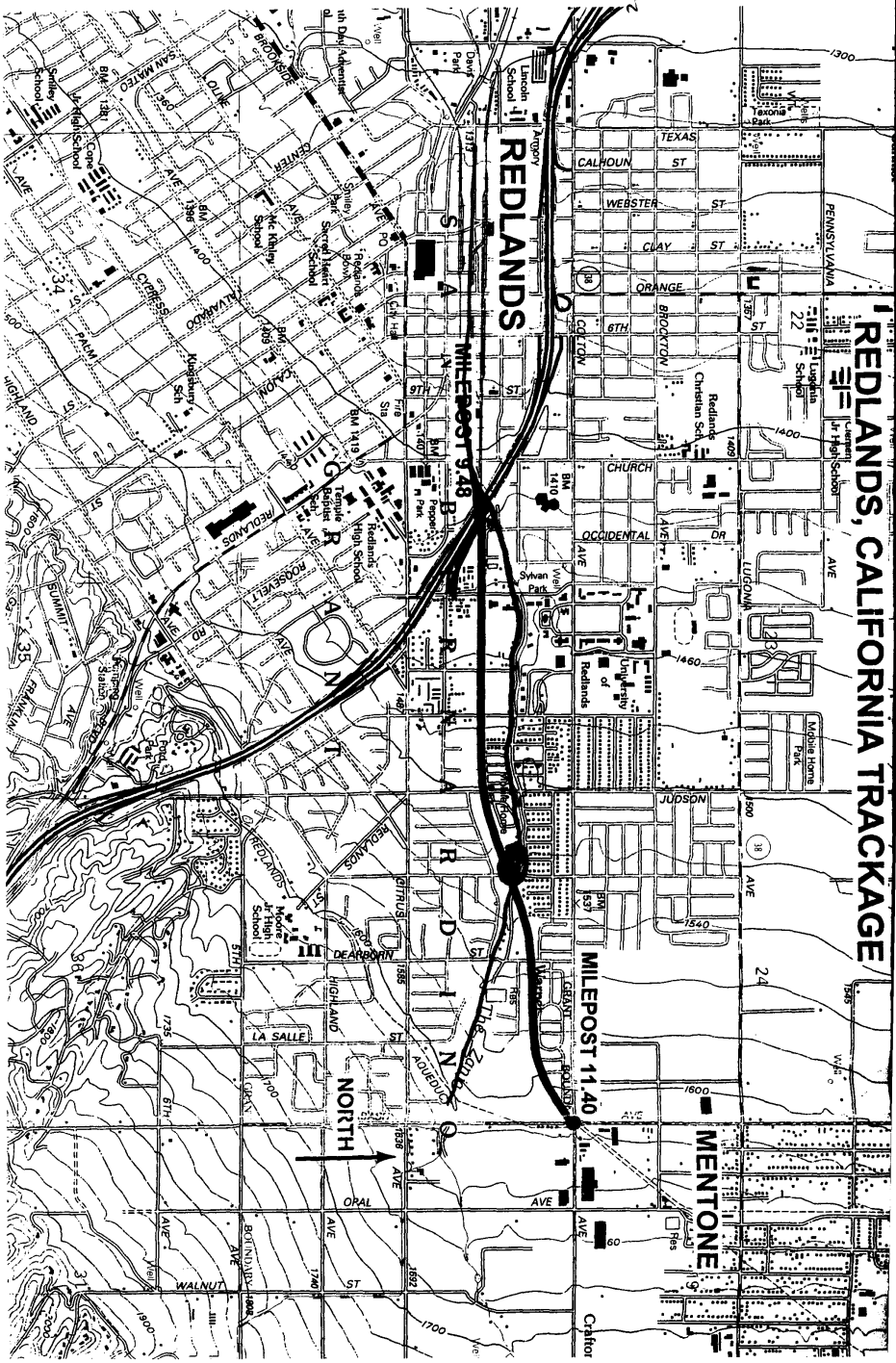
Cataloged by: WRO-CA-03 on 06/29/1989

Sites

- 38E-68474 - Kite House
- 38E-80924 / CHL-43 /
- NEHP-L-47329 - Fm 1A
- 38E-2312 - Hermon
- 38E-2313H - Reservoir
- x 38E - Hermon House

Permits

- 1060006, 1061783
- 1061490



Oversize Map

J

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov



January 4, 2002

Reply to: STB010910A

Brian Nettles
Freeborn & Peters Attorneys at Law
311 South Wacker Drive
Chicago, IL 60606-6677

Re: Burlington Northern and Santa Fe Railway Company (BNSF) Abandonment of Redlands Industrial Spur in Redlands between MP 9.48 and MP 11.40

Dear Mr. Nettles:

Thank you for your follow-up letter of clarification to your original request for my comments, on behalf of the Surface Transportation Board (STB), regarding the proposed abandonment of the BNSF Redlands Industrial Spur between MP 9.48 and MP 11.40. Your request for my comments is in accordance with 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act.

The BNSF plans to abandon 1.92 miles of railroad line between (Milepost 9.48) and (Milepost 11.40) of the Redlands Industrial Spur in Redlands. The abandonment involves only the termination of the BNSF common carrier obligation, and does not involve any physical work or changes to the line. The line is owned by the San Bernardino Area Government. I concur in the STB finding that the proposed abandonment will not affect historic properties.

If you have any questions, please contact Janice Calpo at (916) 653-4533 or by e-mail at jcalp@ohp.parks.ca.gov. Thank you for considering historic properties during project planning.

Sincerely,

Dr. Knox Mellon
State Historic Preservation Officer